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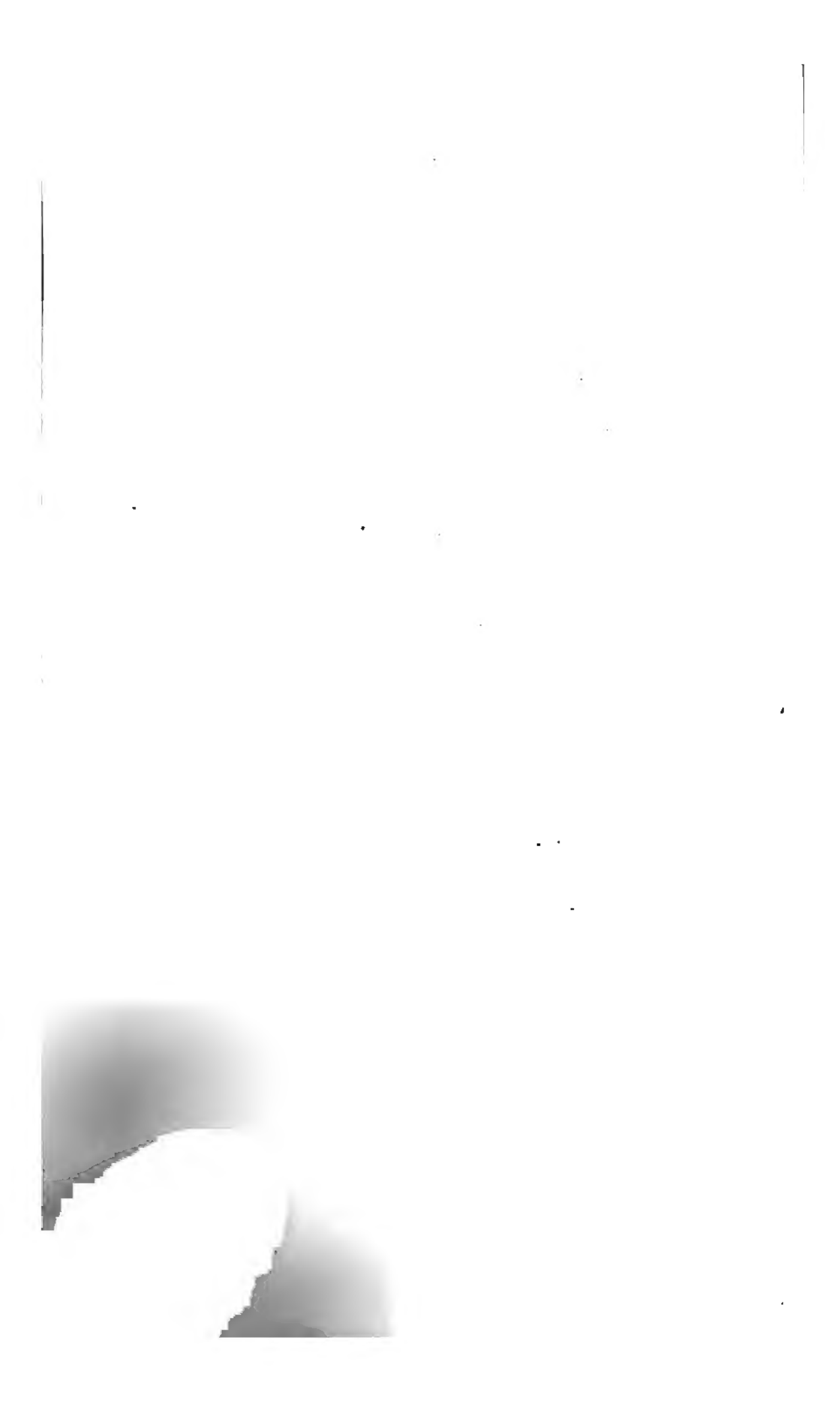
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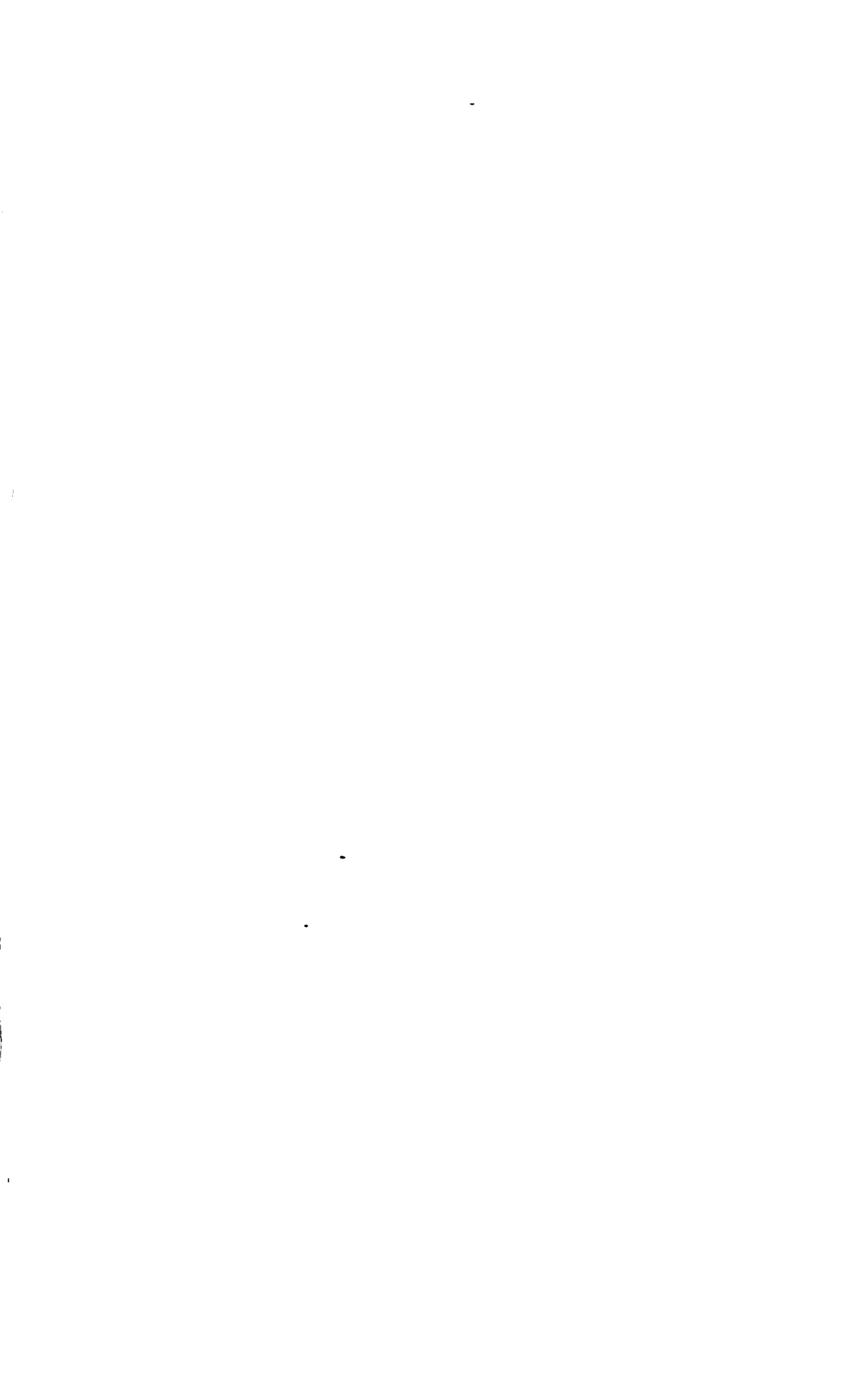


TPY

W. Y. 34

Count







N. Y. SUPREME COURT,

General Term—First Department.

IN THE MATTER

of

The Application of THE BROADWAY SURFACE RAILROAD COMPANY for the appointment of three Commissioners to determine whether the Railroad described or mentioned in the Articles of Association filed for the incorporation of said Company ought to be constructed, &c.

PROCEEDINGS BEFORE

SYDNEY S. HARRIS,
SAMUEL B. H. VANCE,
GEORGE W. T. LORD,
Commissioners.

VOL. II.

ROBINSON, SCRIBNER & BRIGHT,
*Attorneys for Petitioner, The Broadway
Surface Railroad Company,
No. 150 Broadway, New York.*

NEW YORK:
DOUGLAS TAYLOR, LAW PRINTER, 89 NASSAU STREET, COR. FULTON.

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NEW YORK, February 9, 1885. 2054

PETER R. ROACH, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

By Mr. Beaman :

Q. Mr. Roach, what business are you in? A. Express business. Q. What do you have to do with express business? A. Drive a wagon. Q. For whom? A. For the National Express Company. Q. How long have you been driving for that company? A. Twelve years. Q. For that company? A. Yes, sir; that and the American. Q. How long have you been driving for the National? A. About five years out of the twelve. Q. One-horse or two- 2055 horse wagon? A. Two horses, sir. Q. You are right from your business here to-day, are you? A. Yes, sir. Q. What is your general day's business; for instance, what did you have to do on Saturday? A. My business is the same every day; I cover a certain portion of the city and collect freight. Q. You cover a certain portion of the city and collect freight? A. Yes, sir.

Q. What time do you go to work? A. Seven o'clock in the morning. Q. And leave off when? A. Anywheres from six to half-past six o'clock at night. Q. Where do you begin; what is your route? A. My route is from Worth Street to Park Place and from Broadway to Greenwich Street. Q. Worth Street to Park Place and Broadway to Greenwich Street. A. Yes, 2056 sir, and take in Broadway, both sides. Q. What are you doing, collecting and delivering both? A. Mostly collecting. Q. Are there other wagons on the same route? A. Delivering, yes, sir. Q. Do you do all the collecting? A. Yes, sir. Q. In that route, as you collect, where do you deliver? A. 145 Broadway, corner of Liberty Street. Q. Do you deliver on Broadway or Liberty Street? A. Liberty Street. Q. Have you ever driven on any other routes of that company? A. Yes, sir. Q. What other route? A. Well, almost every one in the city. Q. How many different routes are there? A. The National Express Company has twelve, I don't know how many the American has. Q. That is the city is divided into twelve different routes? A. Yes, sir. Q. And each wagon takes a route as it were? A.

- 2057 Yes, sir. Q. Takes in that route? A. Yes, sir. Q. How many wagons have you? A. There are twelve of our wagons. Q. How many of the wagons deliver their goods at this place in Liberty Street; that is, how many routes deliver at this place in Liberty Street? A. Six. Q. Where do the other routes deliver? A. Some at Canal Street, and some at Broadway and Twenty-second Street. Q. Canal Street where. A. Very near Broadway. Q. On the east side or west side? A. West side. Q. West side on the south? A. South side of Canal Street, yes, sir. Q. In the express business, are all the goods delivered at one of these rooms or store-houses before they go to the steamer or to the railroad depots? A. Yes, sir. Q. That is, they are delivered there and from there taken to the various steamers?
- 2058 A. Yes, sir. Q. Or various railroad depots? A. Yes, sir. Q. And you are in this local business? A. Yes, sir. Q. Collecting and delivering at Liberty Street? A. Yes, sir. Q. As I understand there are only three delivering places for the whole of the business of your company? A. Yes, sir; that is outside of the general depots. Q. Where are the general depots? A. Forty-eighth Street, and Jersey City. Q. Forty-eighth Street; whereabouts in Forty-eighth Street? A. Madison Avenue. Q. Whereabouts in Jersey City? A. At the Pennsylvania depot. Q. The deliveries that are made to those general depots, as you call them, are they made from the daily collections or made from the other offices? A. Made from the daily collections. Q. Are they made from the daily collections? A. Yes, sir. Q.
- 2059 What determines you whether you should deliver in Liberty Street, Canal Street, Broadway, or in Jersey City or Forty-eighth Street? A. Well, they have a certain number of wagons to go to each place so as not to crowd each other. Q. And six of the routes are delivering here at Liberty Street? A. Yes, sir. Q. To what extent do you use Broadway in the course of your business? A. Well, we use Broadway more than any other street. Q. Why so? A. Both coming to the office and going from the office. Q. Why is that? A. Well, it is the only clear street that we have got down town here and it is the only road we have got to get up town to Forty-eighth Street and Madison Avenue. Q. Supposing you were going to Forty-eighth Street, how would you go? A. I would go right up

Broadway to Twenty-third Street and then up Fifth Avenue. Q. You would go up Broadway and keep right on from Fourteenth Street up Broadway? A. Yes, sir. Q. To Twenty-third Street? A. Yes, sir. Q. And then up Madison or Fifth Avenue? A. Either one. Q. You go that way whether loaded or unloaded? A. Yes, sir. Q. In coming down you come the same way? A. Yes, sir. Q. In regard to the receiving of goods, do you receive many goods on Broadway or in the vicinity of Broadway; I mean from merchants? A. Yes, sir. Q. What kind of goods do you collect mostly? A. Well, all kinds, hardware, dry goods and most other kinds. Q. Are there many heavy goods? A. Yes, sir. Q. Heavy cases? A. Yes, sir.

Q. How do you deliver them when you deliver them, endways from the wagons or sideways? 2061 A. Endways. Q. And do you receive them so? A. Yes, sir. Q. You back up against the curb when you are loading or unloading? A. Yes, sir. Q. What is the length of your truck? A. Twelve feet without the tail board, and we generally drive the wagon with the tail board down; the tail board is very near two feet, and that makes the wagon fourteen feet long. Q. The express wagons, you say, are twelve feet long; do you mean twelve feet; the length of the floor? A. Yes. Q. The express wagons don't project so much behind the hind wheels as the ordinary trucks, do they? A. Not quite; no, sir. Q. Do you know how long your truck would stand in the street, if the hind wheels were backed up against the curb and your horses were turned up or down street, so that your wheels 2062 project—will the forward wheels project beyond the wagon? A. Why, I think all of fourteen feet. Q. How many round trips do you generally make in a day? A. Generally make four; three in the afternoon and one in the morning. Q. What effect would it have upon the interests of the public so far as your express business is concerned, so far as that represents the public, if there was a double-track horse railroad on Broadway from Fourteenth Street to the Battery, running tracks fifteen feet apart, and cars running up and down in the usual way, as you see them in the city? A. Well, the consequence would be we could not back up to the sidewalk on Broadway if we have anything to load, but we would block the cars or we would have to go along-

- 2063 side of the curb. Q. How is it in regard to your going up and down? A. I don't think we would be able to make as good time as we do now? Q. Why not? A. Well, when there is a block on a street where there is a railroad, you will have to stand and wait; on a street like Broadway, where there is so much traffic, it would be blocked very often. Q. Which, in your opinion, would block Broadway most, a horse railroad like this that I have described with cars running on it, or the same number of omnibuses. A. I think a horse railroad would. Q. Why do you think so? A. Well, omnibuses can turn out if there is a block, and a horse-car cannot. Q. What difference does that make? A. Well, when there is a block on Broadway, if you notice,
- 2064 the stages get off of Broadway if they can. Q. You say they get off of Broadway; what do you mean; get into the side streets from Broadway? A. Get into the side streets from Broadway; when there is a wagon broken down they can turn around and go on one side or the other; if a wagon breaks down in a car track there he is, and the cars have to stand their until they get that wagon out of the way. Q. Which, in your judgment, would make the best time on Broadway, the stages going along in the ordinary way, or the horse-cars? A. Stages. Q. You think they would deliver passengers faster than horse-cars? A. Yes, sir. Q. Why do you think so? A. Well, for the same reason that I spoke of, the block. Q. When you have driven on
- 2065 these other routes in Broadway, or these other routes in the city, have you driven much in Broadway? A. Yes, sir. Q. Where is the next route that is above Canal Street? A. Above Canal Street or above mine do you mean? Q. Above yours? A. From Worth to Canal Street. Q. Where does that route deliver? A. To Canal Street. Q. What is the next one above that? A. The next one above delivers to Canal Street. Q. What is the next above that? A. Canal to Spring. Q. Is there a route below you? A. Yes, sir. Q. Where is that from? A. Park Place to Liberty Street, west of Broadway. Q. And then is their one east of Broadway? A. Yes, sir. Q. Where is that? A. That is from Beekman to Liberty. Q. And then below that? A. Then their is another one below that from Liberty down. Q. You spoke of their being twelve routes, as I understand, in the city, and six of

those are below Canal Street? A. Yes, sir. Q. 2066
 And that make their deliveries at Liberty Street?
 A. Yes, sir. Q. As you understand it and see the
 business, is it your idea that half of the whole of
 that express business is done by deliveries and re-
 ceivings below Canal Street? A. Yes, sir.

By Mr. Fuller :

Q. You express considerable over Broadway, you
 say? A. Yes, sir.

Q. In case of a block would it be possible for you
 to turn an express wagon out of Broadway and go
 down a side street? A. Yes, sir. Q. Could you
 do that? A. Yes, sir. Q. Would you like to do
 it? A. I would not like to do it; no, sir; I gener-
 ally like to keep a straight road if I can. Q. Sup- 2067
 posing there was a foot of snow in Broadway, could
 you drive through Broadway with a foot of snow?
 A. Not if I could help it; if I could get out of it I
 wouldn't. Q. How much of a load could you take
 through a foot of snow on Broadway with your
 express wagon? A. A couple of ton, take it easy.
 Q. Through a foot of snow? A. Yes, sir. Q. And
 you would prefer Broadway through a foot of snow
 to West Broadway on the car track without any
 snow? A. Well, that is according to how much
 time I had. Q. Supposing you had plenty of time?
 A. If I had plenty of time I would take West
 Broadway. Q. Take West Broadway? A. Yes,
 sir, if there is snow on the ground. Q. Then you
 could make more rapid time through a foot of snow 2068
 on Broadway than you could on a car track? A.
 Take the streets as they generally are—West
 Broadway—when there is a foot of snow on the
 ground everybody goes over to West Broadway,
 and the consequence is the street is blocked up all
 the time, and railroads and express wagons in there
 can't make any time. Q. Could you take two tons
 on an express wagon through 18 inches of snow on
 Broadway? A. No, sir; I don't think I could.
 Q. How much do you think you could take? A.
 Well, I would not like to pull more than a ton
 through 18 inches of snow. Q. So that you would,
 in case of a heavy snow on Broadway, prefer a car
 track off of Broadway? A. Yes, sir; well, that
 depends upon how much time I had, and where I
 wanted to go. Q. Supposing there was a flat rail
 on Broadway, and altogether clear of snow, and you

2069 had a heavy load, after a heavy snow-storm, wouldn't you prefer the rail rather than not to have any rail? A. Yes; provided we had heavy snow-storms all the time.

By Mr. Bright:

Q. You say that if there was a railroad in Broadway you might have to load your cart alongside of the curb? A. Yes, sir. Q. You sometimes do that, don't you? A. Yes, sir; we very often have to do it where there are car tracks. Q. So that turning your tail to the curb and letting your horses stretch across the street, is not an absolute necessity? A. No; not stretching our horses across the street; we back into the curb and swing our horses around. 2070 Q. And you only do that for your own convenience in loading? A. Yes, sir. Q. It is easier? A. Yes, sir. Q. It is easier than to load from the curb? A. Yes, sir. Q. And you don't want to have the public accommodated with a railroad if it will cause you that additional trouble in loading? A. It is not only that, but railroads are injurious to our horses. Q. Have you any stations—offices—on Broadway where you load? A. Broadway and Twenty-second Street; that is all. Q. Broadway and Twenty-second Street? A. Yes, sir. Q. Any down town? A. Not where we load on Broadway? Q. You are familiar with these express offices down town, are you not? A. Yes, sir. Q. Is it true that they back up their carts and stand there in great numbers through the day? 2071 A. Yes, sir; there are a great many large wagons—a great many at the United States and American. Q. And stand very close together, very much like Park & Tilford's wagons? A. Yes, sir; exactly. Q. The horses stretched out into the street? A. Yes, sir. Q. And a long cart and double team—a long wagon and double team and a pole reaches out over a very considerable part of the street? A. Yes, sir. Q. So that Broadway opposite those express companies is practically as narrow as if a building was constructed out on a line to where the poles of the wagons reach? A. Yes, sir. Q. And you think the expressmen all think that that ought to continue so? A. Well, I don't see how they can get out of it. Q. So that all the traffic of Broadway must pass as it can through this narrow defile to gratify the express companies? A. Well, there are other people

that do it besides the express companies. Q. Thus 2072
if Park & Tilford, for example, should establish
one of their stores on the opposite side you would
expect them to have the same privilege that the
express companies enjoy, wouldn't you? A. Cer-
tainly.

Q. And what would be the effect upon travel,
then, if somebody happens to be on the other side
who wants to occupy the street, the same as the ex-
press companies do? A. Well, he would have to
back in. Q. And other traffic must take its chance?
A. Yes, sir; we have to do it in other parts of the
city. Q. What do you think about stages in Broad-
way; are there too many of them? A. Well, there
are too many for my benefit. Q. Does a great pro-
portion of the vehicles in Broadway consist of stages? 2073
A. No; I don't think a great proportion are stages.
Q. There are a great many stages; A. Yes; there
are a great many stages. Q. How about trucks?
A. I know trucks are a greater proportion. Q. Do
you know whether it is true that trucks resort to
Broadway when their business does not call them
there, because it is pleasanter to travel there? A.
No, I can't say anything about that. Q. Are you
yourself in the habit of resorting to Broadway for
convenience sake when it is not the most direct
route? A. Yes; I very often go out of my way to
go on to Broadway. Q. And you like Broadway?
A. Yes, sir. Q. Do you travel in railroad streets a
great deal? A. Yes, sir. Q. You do in Greenwich
Street, where there is a railroad track? A. Yes, sir. 2074
Q. You receive and deliver goods there every day?
A. Yes, sir. Q. And in Washington Street also?
A. No, I don't go there. Q. The next railroad
street is West Broadway? A. Yes, sir. Q. Do
you receive and deliver goods there every day? A.
Yes, sir. Q. Travel there every day? A. Yes, sir.
Q. Load and unload there? A. Yes, sir. Q. In
both those streets? A. Yes, sir. Q. Also in Church
Street? A. Yes, sir. Q. And in New Church
Street? A. No, sir; not in New Church Street. Q.
In Church Street? A. Yes, sir. Q. You receive
and deliver goods, and load and unload goods in
Church Street? A. Yes, sir. Q. Is it your judg-
ment that the Broadway and Seventh Avenue Rail-
road cars run more slowly from Fourteenth Street to
the Astor House than the stages do? A. Yes, sir;
taking everything into consideration. Q. That is
your observation, is it? A. Yes, sir. Q. That is

- 2075 your judgment? A. Yes, sir. Q. And you want to have the stages preserved because they are more expeditious than cars? A. Yes, sir. Q. Let us look at these express companies down Broadway; what street is in the rear of them? A. New Church Street. Q. Have they entrances to their places in the rear for their horses and wagons? A. Yes, sir. Q. In New Church Street? A. Yes, sir. Q. Where they can drive right into the basement of the building? A. Yes, sir. Q. Where they can load and unload there? A. They do it; it is not their own wagons that back up in front of their doors on Broadway and block up Broadway; it is people coming there with goods. Q. Receiving goods? A. Yes, sir. Q. Then the expressmen have solved that difficulty as to themselves; they don't require that space for their own work at all? A. They require it for their own work, but not for their own wagons. Q. Their own wagons go around to the rear, and receive and deliver that way? A. Yes, sir. Q. And have express companies found that that is a practical and convenient way for themselves? A. I believe so. Q. The most convenient? A. I believe so. Q. Is it your knowledge that they do a great deal of business? A. Yes, sir. Q. Is there any reason that you know of why all goods received by the express companies should not be driven into that basement in Church Street? A. They have not the room. Q. If they procured it they would have it? A. Yes, sir. Q. If they procured their own room they would not have to use the Judge's and mine, would they, on the street? A. Well, could they procure it? Q. They certainly have it on their rear in Church Street, in their basement; haven't they; to that extent they have it? A. As far as their own wagons are concerned, and then they have not room enough; they take them off of Broadway to accommodate the public as much as they can.
- 2077 Q. Are you a careful driver? A. I believe I am, sir; there is my superintendent there, he can tell you. Q. I would like to examine you in his presence and see how you manage your affairs; how long have you been a driver? A. Twelve years. Q. How many express wagons have you broken up in that time? A. Not a great many. Q. How many horses have you killed in that time? A. I don't know that I have killed any. Q. Not any? A. No, sir. Q. Not in twelve years? A. No, sir. Q.

Have you lamed or crippled any? A. Yes, I have 2078
lamed and crippled a number. Q. Do you recollect
where? A. I can recollect some of them. Q. Have
you broken any of the wheels of your wagons in
that time? A. Yes, sir. Q. Any in Broadway?
A. No, sir. Q. Any horses fall or get hurt in
Broadway? A. Yes; I have had horses fall on
Broadway, not to get hurt very bad, though. Q.
Get hurt some? A. Yes, sir. Q. Will you tell me
why in going to the Grand Central Depot you don't
drive up Fifth Avenue from Fourteenth Street, why
you take Fifth Avenue at Twenty-third Street in-
stead of at Fourteenth Street? A. Well, that is a
kind of a round about way to go up-town, I should
think, in that way. Q. If you felt that there was
any particular danger to your horses or trucks or
wagons between Fourteenth Street and Twenty-third 2079
Street, you would surely take that little way around,
wouldn't you? A. Well, the time of night that we
—Q. No, no, answer that question; if you felt
that there was any danger to your horses or trucks
in Broadway between Fourteenth Street and Twenty-
third Street you would certainly go around into
Fifth Avenue at Fourteenth Street? A. Well, I
would have a block of railroad there through Four-
teenth Street. Q. Why don't you take Thirteenth
Street? A. That is two blocks out of my way. Q.
Then you take a railroad street rather than to travel
those two blocks, whatever their length is; isn't that
so? A. Yes, str; I have to, there is no way of get-
ting out of it, we are pushed for time. Q. When 2080
you travel in a railroad street, do you ever travel in
the tracks? A. Very often have to. Q. Do you
sometimes go up Broadway at night when vehicles
are not very many? A. That is the only time that
I do go up as far as that. Q. Do you then some-
times travel in the tracks? A. Yes, sir. Q. You
travel in the tracks at night when vehicles are not
present on the sides of the street? A. I don't travel
in the tracks when I can get out of them. Q. You
say at night when the vehicles are not there? A. I
say I don't travel in the track when I can get out of
the track. Q. When you travel up-town it is usual-
ly in the night when the vehicles are off of Broad-
way, when they have disappeared to a certain ex-
tent, and you think it is necessary, nevertheless, to
keep off of the track? A. When the vehicles are
all off the streets it is not necessary. Q. Do you
ever get into the track when the vehicles are off of

2081 the streets? A. Not unless there is something to make me go there. Q. At all events you recognize it as a fact that you do go into the tracks, under the circumstances that I have stated, for some reasons? A. Yes, sir. Q. Do you ever travel in Twenty-fourth Street? A. Very seldom. Q. Do you ever travel in Twenty-second Street? A. Very seldom. Q. Or in Twenty-third Street? A. Very seldom. Q. Which of those three streets are you in the oftenest? A. Well, one about as much as the other. Q. Are you as much in Twenty-fourth Street as you are in Twenty-second Street? A. Yes, sir. Q. Traveling through the length of the street? A. My business don't call me that way in those cross streets at all. Q. Either east or west? A. Either east or west. Q. Do you ever go down Fourth Avenue to the Bowery? A. Not unless I have something to deliver over that way.

By Mr. Beaman :

Q. You have spoken, Mr. Roach, about breaking down your wheels and injuring your horses; where have you done that? A. Always in a car track. Q. You have spoken of being pushed for time, is there much hurry in your business? A. Yes, sir; it is all hurry. Q. Who makes the hurry? A. The railroad companies. Q. How do they make it? A. We have to catch the trains, they won't wait for us. Q. And you are on a drive, then, all day? A. Yes, sir. Q. Trying to make the best time you can? A. Yes, sir. 2083 Q. You have never worked for Adams Express Company, have you? A. No, sir.

By Mr. Bright :

Q. How recently have you broken a wagon or a wheel of a wagon? A. Well, I haven't broken a wagon or a wheel of a wagon in three years. Q. Before that catastrophe, three years ago, how long was it? A. I couldn't say; I can't remember. Q. Can you remember when before that you broke one? A. No, sir. Q. Do you remember breaking one before that one? A. Yes, sir. Q. How long? I couldn't say how long. Q. Can you remember more than one before that one, three years ago? A. Yes, sir. Q. How many do you remember. A. Well, that is more than I can say. Q. You can't really remember more than one prior to three years ago? A. No, sir. Q. Not more than one prior to

three years ago? A. No, sir. Q. And one three 2084
 years ago? A. Yes, sir. Q. Where was that one
 three years ago? A. Fourth Avenue—not Fourth
 Avenue, Madison Avenue and Forty-fifth Street.
 Q. What were you doing? A. Driving along the
 street, and I swung out of Forty-third Street into
 Madison Avenue and into the car track and away
 went the wheel. Q. You struck into the track?
 A. Yes, sir; into the track. Q. Was that street
 crowded with trucks at that time? A. It was not
 crowded; but there was no other way for me to go
 along; there was a wagon on the street between the
 car track. Q. Why didn't you cross and go over to
 the depot street? A. I had to go to Forty-eighth
 Street; I was at Forty-fifth Street then, and I had
 to turn at the corner and go up Madison Avenue to 2085
 the depot. Q. How fast were you going? A. Just
 at a slow trot. Q. Was there any investigation into
 that affair? A. No more than to ask me how it
 happened. Q. What was the accident? A. The
 hind wheel went to pieces. Q. A wheel went to
 pieces? A. Yes, sir. Q. How old was the wagon?
 A. About four years. Q. Been in use for four years.
 A. Yes, sir. Q. You had made similar turns into
 tracks and out of tracks before that, hadn't you?
 A. Well, I don't know that I strike the track the
 same way every time. Q. So far as you know you
 have driven the same way into a railroad street and
 out of a railroad street, as upon that occasion? A.
 Yes, sir. Q. And no disaster since? A. No, sir.

2086

By Mr. Beaman:

Q. Mr. Roach, about how long does it take to load
 or unload one of your trucks—a full wagon? A.
 About half an hour. Q. Does it take longer to load
 or unload, if you are backing up than it does if you
 are sideways to the street? A. It takes longer if
 you were sideways to the street. Q. In making
 such deliveries or receiving such goods, as you do
 at the various places on Broadway, is it often that
 you get a full load in any one place? A. Very
 seldom we get a full load at any one place. Q. You
 are substantially delivering some parcels at one
 place and then at another and so on? A. Yes, sir.
 Q. About how long does it take you, on an average,
 to make the ordinary delivery, such as you are mak-
 ing on Broadway, or receive the goods, such as you
 are receiving? A. Well, from five to ten minutes.

Q. About how long would it probably take you if you had to do it sideways? A. Well, it might make five minutes difference in the time, and a good deal more work. Q. How would you have to do it then? A. Have to lift it over the side of the wagon. Q. How many men go with a wagon? A. Two, a driver and a helper. Q. Do the men at the houses, where you deliver or receive, help you deliver or receive? A. Very seldom.

C. L. GOWDEY, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Beaman:

- 2088 Q. Where do you reside, Mr. Gowdey? A. I live in Brooklyn. Q. What is your business? A. I am with the National Express Company; city superintendent. Q. City superintendent? A. Yes, sir. Q. How long have you been city superintendent? A. For the National Express Company two years—a year last June. Q. What had you to do with the express business before that? A. I was in the same position with the American Express Company for eight years. Q. Superintendent of that company? A. Yes, sir; and before that in various positions with the National Express Company. Q. Have you ever driven express wagons yourself? A. Yes, sir. Q. In the course of your business do you drive around the city very much? A. I always have up
2089 until the time I went with the National Express Company, a year and a half or two years ago. Q. What did you use to drive around with? A. With a buggy wagon. Q. For what purpose? A. To superintend the business of the city—looking around all over. Q. State in a general way how the express business of the two companies is managed in the City of New York? A. Well, in what respect? Q. What their daily business is; how it is organized; where their depots are for receiving goods, and the different routes? A. It is organized in delivering and collecting freights. Q. What are the main offices of the American Express Company? A. Their main offices? Q. Yes, sir. A. Their depot is at Forty-eighth Street and Madison Avenue; their office is at 65 Broadway—that is, the officers and money department are at 65 Broadway. Q. And money department? A. Yes, sir. Q. Where are

their principal places of receiving goods below Four- 2090
teenth Street—the American Express Company?

A. Canal Street below Broadway; Hudson Street near Duane; Fourth Street and Broadway; Broadway and Twenty-second Street. Q. Have you any below Canal Street? A. Not below Canal Street except on the west side at Hudson and Duane. Q.

Do they receive any goods on Broadway or deliver any? A. Yes, sir. Q. Not at their own offices?

A. Well, of course, in collecting their goods, they are all distributed from different offices; the city is laid out in districts. Q. How many districts has the American? A. I don't know as I can tell you

exactly how many they have; they have got in the neighborhood of twenty-five or thirty. Q. Do they do a larger business than the National—city business? A. Considerably. Q. Do they do the largest 2091
business of all the express companies? A. No, sir; I cannot say that they do; Adams, I guess, is about the largest. Q. And then the National? A. No, sir; Adams, the United States and American, I should say. Q. And then the National? A. And then the National. Q. Is the general business of the American organized on the same plan as that of the National? A. I presume it is. Q. How many different wagons has the American Company? A.

About one hundred. Q. And the National? A. Thirty-six, I guess. Q. What proportion of those wagons are double-horse wagons? A. Well, two-thirds. Q. Two-thirds of both companies? A.

Yes, sir. Q. What proportion of their goods are 2092
collected from the different merchants and delivered to the store-houses or ware-houses of the company instead of being taken direct to the depots or wharves or boats? A. Well, nearly all; they are sent to the different offices, and then they are taken from there by what we call the transfer wagons. Q.

Then one set of wagons collect? A. The route wagons collect the goods and bring them to the branch office, and then the transfer wagons take them from there to the depots. Q. And they are there assorted? A. Yes, sir. Q. Some going one way and some another? A. Yes, sir. Q. So that each wagon gets its load? A. Yes, sir; I speak now of the business out of New York. Q. The business into New York; how is that managed? A. That is all assorted at the depot and distributed for delivery through the city. Q. Then, the general business, if

2093 I understand it, is that the express business has certain depots in the city? A. Yes, sir. Q. Collecting depots? A. Yes, sir. Q. And has certain routes? A. Yes, sir.

Q. And these route wagons collect the goods and bring them to the depots? A. Yes, sir. Q. And they are there assorted? A. They are not assorted there; they are just collected there, and then the transfer wagons take them to the depot where they are assorted and way-billed and sent out. Q. Take them to what depot? A. Forty-eighth Street is the principal depot of the American that I am now speaking about. Q. They are taken to the depot and they are there assorted? A. Yes, sir; and put in different cars for different destinations. Q. And some of the goods that are taken up there you may have to take right down here again? A. Yes, sir. Q. That is, the American does all its business out of the city from Forty-eighth Street? A. Yes, sir. Q. They do not have anything to do with Pennsylvania business or Jersey business? A. No, sir. Q. What is the general business of the American—what part of the country do they go to? A. West, northwest and southwest—everything west of New York. Q. Over the Hudson and Harlem? A. Yes, sir; over the Hudson and Harlem. Q. And nothing either to Jersey or Pennsylvania? A. No, sir. Q. And the American first take the goods to these route offices or depots as you call them, and from there they all go to Forty-eighth Street? A. Yes, sir. Q. And there they are distributed? A. Yes, sir. Q. What part of the country does the National occupy or supply or collect from? A. What part of the country do they forward to? Q. Yes, sir. A. North, over the Hudson River road, and west, over the West Shore and Ontario and Western from Jersey City. Q. Where is their general depot? A. Their general depot is one in Jersey City and one at Canal Street and one at Forty-eighth Street. Q. Suppose to-day this driver just going out collects a lot of goods; he brings them down to Liberty Street? A. Yes, sir. Q. And what is done with them from there? A. Those that go to the northern division are sent to Forty-eighth Street, and those west to Jersey City. Q. At Liberty Street they are divided? A. Yes, sir. Q. And so with the other offices of the National? A. Yes, sir. Q. They are divided at the branch offices instead of at the Central

office. A. Yes, sir. Q. To what extent is Broadway used by the express people—the various companies—by their express wagons? A. Well, it is used generally by our people and by the American for all our business up and down town. Q. Why do you use it? A. Because it is the most available street they have got to use. Q. To what extent do you receive or deliver goods on Broadway from merchants? A. We are receiving and delivering all the time. Q. Up and down Broadway? A. Up and down Broadway. Q. To what extent is that business south of Canal Street—your deliverings and receivings? A. You mean in what proportion? Q. Yes, sir; what is the proportion? A. Oh, I don't know; I should say probably one-third of the whole business is below Canal Street. Q. What part below Fourteenth Street? A. Probably two-thirds below Fourteenth Street. Q. Is that so with the American Company too? A. Yes, sir; I should judge so. Q. What is the general character of the merchandise that you are delivering; is it mostly goods in boxes or cases? A. Yes, sir. Q. And some packages? A. Yes, sir. Q. How are your wagons loaded or unloaded generally; that is, are they backed up to the curb? A. They are generally backed up to load or unload. Q. And so with the American Company? A. Yes, sir. Q. Why do you back up instead of going sideways to the curb? A. It is more easy to do so; it is more easy to handle a box full of goods or anything from the tail-board than to turn it over the side of the wagon. Q. Why do you have such large trucks as you do have? A. To carry the freight; small wagons would be of no use, you might say—couldn't carry enough to make it an object to deliver or collect. Q. The small wagons are the one-horse wagons? A. Yes, sir. Q. The one-horse wagons—are they used for collecting heavy goods or light goods? A. Light goods; they are mostly delivery wagons; they are for delivering packages or collecting on a long route, as above Fourteenth Street or above Twenty-third Street, where it takes a small wagon all day over a long stretch of territory. Q. With the delivery wagons are there one or two men? A. Always two men.

Q. In part for safety, I suppose. A. Safety and protection; yes, sir. Q. And with your large wagons there are two men? A. Yes, sir. Q. Both

- 2099 with the American and with the other companies?
 A. Yes, sir. Q. About how long a time does it take to make your deliveries on an average up and down Broadway; or to receive your goods; I do not mean a full load; but take the calls along the street here—I see signs up—"American Express stop," &c. A. It would take probably a minute or two. Q. To pick up and deliver whatever you have to pick up, or deliver whatever you have to deliver? A. Yes, sir. Q. Are your goods packed in the wagons with reference to the order in which they are to be delivered? A. Oh, no; not at all—oh, the way they are to be delivered? Q. Yes. A. Yes, sir; in starting from the depot they would pack them in the wagon the way they are to be delivered; those to be delivered first being put at the
- 2100 tail of the wagon. Q. And everything is arranged in the business with the idea of speed and promptness and convenience to the public and to yourselves? A. Yes, sir; always. Q. Why do the express people use Broadway so much? A. Well, it is a central street, and the most available street; then our offices are generally located along, on, or by Broadway. Q. How about the places for delivering goods—the main locality? A. Well, it is central; there is no other street that you can use. Q. What effect would it have upon the business of the public and the interest of the public so far as it is served by the American and National Express Companies if there was a double track horse railroad put upon
- 2101 Broadway from Fourteenth Street to the Battery, built in the ordinary way and cars running thereon? A. How would it affect them? Q. Yes. A. Probably retard the business a good deal; the street would be blocked here; that is my opinion. Q. You think the street would be any worse blocked up than it is now? A. I think so, certainly. Q. Why so? A. Because a car is stationary on the track, and they have got to move straight along and any obstruction at all in the street would delay them and delay everything behind them, and be the means of blocking up the street; now, the street being clear, if there is anything in it—any obstruction—you can turn around it or get out of the block if necessary. Q. What do you think would make the best time going from the Battery to Fourteenth Street, omnibuses or horse-cars, supposing they were both running on Broadway? A. In my

opinion I think the omnibuses would. Q. So far as 2102
the express companies are concerned, which would
make the most bother to them, the same number of
omnibuses or the same number of trucks? A. I do
not understand you. Q. Which would obstruct
your business the most on Broadway, the same
number of trucks or the same number of omnibuses?
A. Oh, I don't know that an omnibus is more of an
obstruction than a truck is. Q. Is it your idea that
your express wagons are any more obstruction on
Broadway than trucks are? A. I do not know that
they are as long as we keep moving. Q. To what
extent has the express business increased since you
have been in it? A. A hundredfold since I have been
in it, thirty years ago. Q. By a hundredfold, do
you mean it has doubled? A. You asked me how
the business had increased? Q. Yes, sir. A. Yes, 2103
sir. Q. Do you mean that it has doubled, sir? A.
Yes, sir; it has more than doubled—ten times. Q.
What has caused that increase? A. The general
growth of the city, I suppose, and the business, I
suppose, of course. Q. Is the express business still
increasing, as you see it? A. Yes, sir; every day.
Q. To what extent has the express business so far
as it has been carried on, or so far as the express
companies have collected or received goods, in-
creased below Canal Street? A. Since when? Q.
Since the last twenty years. A. How much has it
increased? Q. Yes. A. Well, I tell you it has in-
creased a hundredfold in the last twenty or thirty
years. Q. By a hundredfold, you mean it is a hun- 2104
dred times as large now? A. As it was; yes, sir.
Q. As it was then? A. Yes, sir. Q. Mr. Gowdey,
why is it that merchants express their goods in such
quantities as they do instead of sending them by
freight? A. Well, on account of the time, of course
—speed and less expense. Q. Less expense? A.
Generally. Q. What do you mean; is it less ex-
pensive to send a case, say of dry goods, by express
than it is to send it by freight? A. No, I cannot
say a case of dry goods—packages generally; when
they send them by freight they have got to pay the
cartage on them, besides the freight.

Q. You have heard your driver speak about every-
thing in the business being in a hurry? A. Yes,
sir. Q. Do you think so? A. I cannot say about
everything being in a hurry; we are always doing
our business promptly and we have got to hurry

210. sometimes to meet trains. Q. What time in the morning do your wagons go out to receive goods? A. Seven o'clock generally, and sometimes earlier; they hurry around. Q. What is your busiest time? A. 11 o'clock in the day it is pretty busy. Q. What is your busiest season? A. Spring and Fall. Q. Is the busy time now? A. No, sir; very dull just now. Q. The worst time for your business? A. The worst time for our business. Q. How is it with trucking business—with general trucking? A. I take it for granted it is about the same as our business is; we can tell by ours how others are doing. Q. Do you regard your business as a general indication of the prosperity of the city? A. Yes, sir. Q. Why so? A. Because we depend a great deal upon the business community to keep us a-going, and if they have no business, of course we have none.
- 2106 And anything that affects your business that way affects them as you understand it? A. Yes, sir. Q. You are simply the carrier of what they buy and sell? A. Yes, sir. Q. And what they wanted to get delivered in a hurry? A. Yes, sir. Q. You were speaking about the number of wagons that you employ; do you have more wagons in the busy season of the year? A. Yes, sir. Q. How many then? A. Well, it depends altogether upon the business. Q. Take your business now; you say you have thirty-six wagons now? A. Yes, sir. Q. Do you mean right to-day, for instance? A. They are running all day. Q. Going all day? A. Going all day. Q. Your busy season, I suppose, begins in about May? A. That is a pretty busy time, yes, sir.
- 2107 Suppose it is as busy next May as it was last year or as it usually is in May, how many wagons would you run? A. Probably six or eight more than in the ordinary business unless there would be something unusual and then we would call for more.

By Mr. Bright:

- Q. Do you go about the city in your light wagon now? A. No, sir; not now. Q. Some one else does? A. For the American, yes, sir. Q. That is the daily duty of somebody? A. Yes, sir. Q. The rule is to watch the drivers? A. Not only that but we look out for other business as well. Q. To see that they drive carefully? A. Yes, sir. Q. Are they sometimes inclined to drive recklessly? A. Sometimes. Q. And reckless driving may injure

horses? A. Yes, sir; may injure horses. Q. And 2108
 may injure wagons? A. Yes, sir; and may injure
 wagons and people's goods. Q. And break wheels?
 A. Yes, sir. Q. And horses legs and feet? A. Yes,
 sir. Q. Do you think that every express company
 finds that it is necessary for their protection to use
 the same means of watching their drivers? A. Yes,
 sir. Q. Throughout the city? A. Yes, sir. Q. Did
 you ever go from Fourteenth Street to the Battery
 in a stage? A. Yes, sir. Q. Do you know how
 long you were? A. No, sir, not particularly; I
 never timed myself. Q. Did you go much inside of
 an hour? A. Yes, sir. Q. Did you ever go from
 Fourteenth Street to the Astor House in a car of the
 Broadway Company? A. Yes, sir. Q. Did you
 ever time yourself? A. No, sir. Q. You never did?
 A. No, sir; I never had occasion to that I know of. 2109
 Q. Do you think you were longer going by the car
 than by the stage? A. No, sir; no longer. Q.
 Were you any quicker? A. No, sir; I don't know
 that I was any quicker. Q. You prefer stages to
 cars? A. I cannot say that I prefer stages to cars,
 not for my own convenience for riding. Q. When
 you drove your light wagon, did you ever go in rail-
 road streets? A. Yes, sir. Q. Did you ever go
 in railroad tracks? A. Yes, sir, when I was com-
 pelled to; not unless I was compelled to. Q. If you
 were going down to the foot of Twenty-third Street,
 would you sooner take Twenty-third Street than
 Twenty-fourth Street? A. It would depend alto-
 gether where I was going to—what business I was
 going for.

Q. Suppose you wanted to cross town? A. I cer- 2110
 tainly should take a street without a track. Q.
 You would certainly take Twenty-fourth Street?
 A. Take a street without a track. Q. That is what
 you always do? A. Yes, sir. Q. Do you say that
 the great merchants in Broadway above Fourteenth
 Street are less well served than those below Four-
 teenth Street? A. I think they are at times; I
 think the streets are blocked more at times up there
 than below. Q. You think they are less well
 served than below Canal Street? A. Yes, sir,
 at times. Q. Less well served than the people in
 the neighborhood of Fulton Street? A. Well, not
 Fulton Street and Broadway; Fulton Street and
 Broadway is one of the worst streets in the city;
 we have that blocked from both ways. Q. Suppos-

- 2111 ing you were going from the New York Hotel to the Rossmore House, how would you go? A. From the New York Hotel to the Rossmore House? Q. Yes, sir. A. I should probably take an omnibus from the New York Hotel. Q. I mean going with an express wagon? A. Well, I should go right from Broadway to Fifth Avenue and up Fifth Avenue. Q. Suppose you were going from the New York Hotel to Twenty-third Street? A. If I had a light wagon— Q. No, no; with an express wagon. A. With an express wagon, I should go right up Broadway. Q. The Rossmore House is on what street? A. Broadway and Seventh Avenue, right at the junction there, I believe, is it not? Q. Yes, I believe so. A. Yes, sir; at Forty-second Street. Q. How far would you go up Fifth Avenue, going
- 2112 to the Rossmore Hotel from the New York Hotel? A. Probably to Forty second Street, that is the street the hotel is on—if that is the street. Q. And where would you go in case a railroad was put in Broadway? A. Where would I go? Q. Yes, sir. A. With what? Q. With your loads—where would you travel? A. I would probably try to travel on Broadway. Q. You would continue to do as you do now? A. Certainly. Q. You have no doubt you would be able to perform all your business? A. I don't know; I think so. Q. You would perform a portion, at all events? A. We would try to. Q. You would continue to go in Broadway rather than go in Mercer Street? A. Certainly. Q. There is no railroad in Mercer Street? A. No, sir. Q. Nor in Wooster Street? A. Yes, sir; there is in Woos-
- 2113 ter Street; the Broadway runs through Wooster Street—Wooster and Greene—up one and down the other. Q. Suppose the stages were all removed from Broadway, how would that affect your transit in Broadway if there was a railroad? A. I don't know that that would make any difference; I don't think the stages would be missed off of Broadway twenty-four hours. Q. So many trucks would pour in? A. Yes, sir; there would be enough pouring in there to fill that up. Q. About how much do your packages weigh on an average? A. Well, that is a pretty hard question to answer. Q. Do not more of them weigh less than fifty pounds than over fifty pounds? A. Oh, yes; more packages weigh less than fifty pounds. Q. Generally small packages? A. Yes, sir; there are more small pack-

ages than there are heavy ones. Q. That is so to a 2114
 very great extent, is it not? A. Yes, sir. Q. But
 still you would prefer, even with small packages, to
 back up your trucks with tail to the curb? A. No,
 sir, not in delivering. Q. But in receiving? A.
 No, sir; we never back up a wagon to receive such
 light goods. Q. Suppose you had an immense load
 of small packages, would you back up to unload
 them? A. Yes, sir; we would back up to unload them
 then. Q. You would do that, and yet you do not
 claim it is necessary? A. No, sir; I do not claim
 it is a necessity. Q. You would do that and yet
 you do not claim it is a necessity? A. No, sir; I
 do not claim it is a necessity. Q. And you say that
 if you had a railroad you would load over the side
 rather than over the tail if you had to stand along 2115
 side of the curb? A. Probably would. Q. And
 yet if there was any occasion for loading at the tail,
 you could do so perfectly well? A. Yes, sir; some
 of our freight we cannot load over the side—take, for
 instance, a heavy case. Q. You would load at the
 tail even if your wagon stood alongside of the curb?
 A. Yes, sir. Q. Will you tell me any reason why
 you cannot do that habitually for the benefit of the
 public? A. It would take much longer to load it
 for one thing; it is much higher. Q. It is not as
 much higher than the height of the curb, if you un-
 dertake to load at the side; the height of the wagon
 from the floor to the edge is much higher than the
 curb is, is it not? A. Oh, yes, sir.

Q. And whatever you would load over the side 2116
 you would probably do with greater trouble than at
 the tail? A. No; loading at the tail they have got
 to clear a place. Q. Then you have your choice
 really of loading at the side or tail, according to the
 character of the package. A. Yes, sir. Q. And if
 there was nobody's convenience to be consulted you
 would frequently back up your wagon, but you
 might avoid it if you thought there would be incon-
 venience? A. Yes, sir; probably would. Q. And
 that is so to a very large extent, is it not, in your
 business? A. No doubt. Q. Do your people run
 under your watchful superintendence—do your men
 run your wagons very carefully? A. Yes, sir. Q.
 Don't smash them often? A. No, sir. Q. And
 don't break down horses very often? A. No, sir.
 Q. And go in every street in the city? A. Yes, sir.
 Q. In every railroad street—every wide street and

2117 every narrow street? A. Yes, sir. Q. And yet the choice being between a wide, beautiful street and a narrow street, you would naturally take the wide street? A. Yes, sir; always. Q. The wide, beautiful one? A. Yes, sir; always. Q. Assuming that neither had a railroad in? A. Yes, sir; assuming that neither had a railroad in.

By Mr. Beaman :

Q. You spoke of your riding around and looking after your drivers; did you ever know anyone for a horse railroad being around looking after their drivers? A. Not personally; I know there is such a thing, but only from what I read and heard. Q. You know there are such things as reckless horse-car drivers, don't you? A. Yes, sir. Q. Mr. Gowdy, suppose there were horse railroads in Broadway running in the usual way, would the express business still have to be done on Broadway? A. Yes, sir; I think so. Q. Why? A. It is the only available street you have got and it is central; it is now about the dividing line between all our routes either west or east of Broadway. Q. Is Broadway now a crowded street, as you see it? A. Not at this time of year—not very. Q. At the busy time of the year is it a crowded street? A. Yes, sir; generally very crowded. Q. How are other streets of the city running parallel with Broadway below Canal Street? A. Even worse than Broadway. Q. Why worse than Broadway? A. Because they are blocked up with railroad tracks and other things—blocked up during the busy seasons of the year. Q. What streets are so blocked up? A. All streets west of Broadway. Q. In the busy time of the year? A. Yes, sir. Q. You mean by blocked up, they are, as the boys say, chock-a-block, or simply crowded? A. Well, at times you might say chock-a-block. Q. What happens to horse-cars then? A. Well, they stand still, I guess, waiting until the block is broken, the same as an express wagon does unless he can turn off some corner and go on another street. Q. Is West Broadway so blocked? A. Yes, sir; that is even now blocked every day. Q. West Broadway? A. Yes, sir. Q. Even in this time? A. Yes, sir. Q. If there were horse railroad tracks on Broadway, do you still think that the express companies could make better time on Broadway than they could up and down West Broadway? A.

Yes; I think they could. Q. Then you don't see 2120
 any relief for the business—the general business of
 trucking and express business, as it is carried on in
 Broadway? A. Not at present. Q. It may be
 worse, but you don't see how it can be any better?
 A. Yes, sir. Q. You have spoken of Fulton Street
 and Broadway being a very bad place; what do you
 mean by that? A. Well, I mean that it is a general
 thoroughfare there from all directions—from Wash-
 ington Market on the west side and Fulton Ferry on
 the other side and traffic going up and down Broad-
 way; they meet there, and, as everybody knows,
 there is a general block there at all hours of the day.
 Q. You mean by block, a crowd? A. Yes; crowded
 always—always a crowd there. Q. What effect
 would it have at that particular place, in your judg- 2121
 ment, to put a double-track horse railroad there?
 A. You could call it chock-a-block all the time. Q.
 Is there a good deal of travel right across Broadway
 at that place? A. Yes; a great deal. Q. Going to
 Fulton Ferry? A. Yes, sir, and to the market on
 the other side.

Q. Vehicles that are not using Broadway at all
 except in crossings? A. Yes, sir. Q. You have
 spoken of preferring Broadway, that you would
 rather use it than Mercer Street? A. Yes, sir. Q.
 Why? A. Well, I don't know any reason for it
 any more than that we wouldn't use Mercer Street
 all the way up—only above Canal Street. Q. From
 Canal Street to where? A. As far as it runs up, 2122
 to Eighth Street, and then we would have to turn
 off again on Broadway. Q. Then you would have to
 turn down Canal Street on the tracks to get into it
 and go up it as far as Eighth Street? A. Yes, sir;
 and Mercer Street is another street on which there
 are more or less vehicleless on either side of the street.
 Q. Broadway merchants loading and unloading
 their goods there? A. A great many of them. Q.
 You have spoken about your wagons being broken;
 have you noticed in your business that the breaks
 are occasioned to any extent by horse railroad
 tracks? A. Well, yes, some; I have not said any-
 thing about a wagon being broken up. Q. I under-
 stand you have not. A. Of course, we have an
 accident occasionally on a railroad; breaking our
 wagons by striking into a track. Q. You have
 stated that if omnibuses were withdrawn from
 Broadway you thought it would fill right up again

2123 with other wagons? A. I should think so. Q. Why? A. Because there would be trucks filling it up that are running now on side streets; as soon as they found that the street was cleared from stages, they would at once do more on Broadway than they do now. Q. You spoke about Broadway being now not so crowded as it is in certain seasons of the year? A. Yes, sir. Q. How much more travel do you suppose there would be on Broadway in a busy May than there is now? A. I think one-half more. Q. That is, fifty per cent. more? A. Yes, sir. Q. And where there are two wagons now there would be three then? A. Yes, sir. Q. And that would apply, I suppose, particularly to trucks and express wagons and not to carriages or anything of that
2124 kind? A. No, sir; trucks and business wagons.

THOMAS D. PRIME, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Beaman:

Q. Mr. Prime, where do you live? A. 775 Greenwich Street. Q. What is your business? A. Expressman—driver. A. For whom are you driving? A. Adams Express. Q. How long have you been driving? A. Twenty-four years the 3d of next September. Q. Twenty-four years? A. Yes, sir. Q. Driving for that company all the time? A. Yes,
2125 sir. Q. How many wagons has that company now? A. Well, I suppose double wagons and single wagons they have got in the neighborhood of 175. Q. How many did they have when you first began to drive for them? A. In the neighborhood of about fifty. Q. Mr. Prime, do you drive a double team? A. Yes, sir. Q. How long is your truck? A. It is about from the foot-board to the end of the tail-board 13 feet. Q. Two horses or three? A. Two. Q. Is there another man with you when you are driving around? A. Yes, sir. Q. What is your route? A. The route I have had for the last sixteen years is from Spring Street to Twenty-third Street. Q. Spring to Twenty-third? A. Yes, sir; I took that part when I went on first off, but it is cut off considerable since then. Q. Have you ever driven any of the down-town routes? A. Yes, sir. Q. Do you ever come down town much now? A. No, sir. Q. Not below what

street? A. Not below Spring Street. Q. You 2126
drive from Spring Street? A. I drive from Spring
Street to Houston Street now, but when I com-
menced I took from Spring to Twenty-third Street—
16 years ago. Q. Where are the different offices of
the Adams Express Company located in the city?
A. 59 Broadway— Q. I mean at which they re-
ceive goods? A. Yes, sir; 59 Broadway, 300 Canal
Street, 684 Broadway, No. 12 West Twenty-third
Street and Forty-second Street. Q. What part of
the country do the Adams Express Company de-
liver their goods to; all over the country? A. Yes,
sir; north, south and west. Q. You are engaged in
delivering goods or in collecting them? A. Collecting
and delivering. Q. What time do you go to work?
A. Seven o'clock. Q. And knock off when? A. 2127
Between the hours of 7 and 9 P. M. Q. Do
you carry many goods to the railroad stations or to
the steamers? A. No, sir; we have one night in a
week we have to go to Forty-fifth Street, and one
night a week to White Street, and the rest of the
time to Jersey City. Q. To what extent, in your
particular route, do you use Broadway? A. I use
it as much as I possibly can. Q. Why? A. Be-
cause I have always been in the habit of running up
and down Broadway ever since I have driven a cart
and truck and express wagon; I have always had a
liking to going up and down Broadway to avoid the
railroad tracks. Q. Why do you like to keep
away from railroad tracks? A. Well, because I
have always had pretty bad luck in railroad tracks. 2128
Q. You have had bad luck? A. Yes, sir. Q.
What do you mean by bad luck? A. I would
break a spring or strain an axle. Q. That is the
point? A. Yes, sir. Q. What effect would it
have, in your judgment, in your business—the busi-
ness of Adams Express Company—as you see it car-
ried on for the public benefit, if there was a double
track from Fourteenth Street to the Battery, and
cars running on it as you see them in the city? A.
It would be very inconvenient to us in every way,
shape or manner; we would have to deliver and
collect over our sides, because we could not detain
the cars; sometimes we have to stand and wait for
our goods from five to seven minutes for the elevator
to come down stairs; and in heavy cases maybe it
would take us three, four or five minutes to put
them in, and the policeman would turn us around if

- 2129 we were with our tail to the curb, and it is a good deal harder work for us. Q. How would that affect the speed with which you can deliver or receive goods? A. Well, it will affect it a great deal. Q. How would the running of this car track affect your business so far as making time is concerned? A. Well, it would affect us considerable sometimes; some nights on Broadway we can make better time when we go to Jersey City; we pull right out of Broadway and go to Broome Street and strike over into Hudson; it is the best way to make time. Q. Is Broadway the best street to make time on? A. After certain hours, yes, sir. Q. After what hours? A. Well, say seven o'clock in the evening. Q. You use it a good deal, then? A. Yes, sir, if we have
- 2130 eight or nine minutes to make a boat from 684 Broadway—ten minutes to make a boat. Q. You have very little to do with the down town offices of the Adams Express Company? A. Yes, sir. Q. And haven't had for years? A. Yes, sir, for years. Q. Do you deliver on Forty-second Street? A. No, sir. Q. You don't use that station very much? A. No, sir; I use it once a week—well, not Forty-second Street, but the Grand Central. Q. The Grand Central? A. Yes, sir. Q. Do you use the sidewalk there at all? A. No, sir.

By Mr. Bright:

- Q. You say the policemen make you give way sometimes? A. Yes, sir. Q. You don't like that?
- 2131 A. No, sir. Q. Do you sometimes meet, in traveling up and down Broadway or other streets, cars going across at right angles? A. Yes, sir. Q. Do you give way to them or make them give way to you? A. Well, it is according to the way we are placed; if we are placed so that it is our duty to give way we do so.
- Q. Do you ever double up their horses? A. I have doubled them up, sir. Q. Cut them off pretty sharp? A. Yes. Q. You have seen expressmen and truckmen do that a good deal in New York? A. Yes, sir. Q. You never saw a cable road, did you? A. No, sir. Q. Never saw a cable road operated? A. No, sir. Q. You don't know how it would work, do you? A. No, sir. Q. How recently have you broken a wagon? A. Well, I have not broken a wagon now in about two years and a half. Q. Have you broken one within two years

and a half! A. No, sir. Q. Have you broken one 2132
 within five? A. Yes, sir. Q. How many? A.
 I don't think I have broken more than one or two. Q.
 Have you broken one wagon within five years? A.
 Yes, sir. Q. Have you broken two? A. No, sir.
 Q. How? A. No, sir; I don't think I have broken
 any. Q. Where did you break that one? A. The
 last one I broke was here, at the White Street
 depot. Q. Where? A. At the White Street
 depot. Q. There is a very bad tangle of tracks for
 heavy freight cars there, is there not? A. Yes, sir.
 Q. And that accident occurred there? A. Yes, sir.
 Q. And you have not had any accident on any
 other railroad in five years—horse-car railroad, I
 mean? A. Yes, I guess it is less than five years
 when I broke a spring in Crosby Street; I think it is 2133
 less than five years. Q. If that is so, that is the
 only instance that you have had an injury to a
 wagon, and that to the spring, in a street where there
 is a horse railroad, in five years? A. Yes, sir.
 Q. Do stages often run into you? A. No, sir. Q.
 Trucks? A. No, sir. Q. Do you ever run into
 cars? A. No, sir; I always avoid them myself;
 I was always well acquainted with them. Q. Is it
 the same with you, as with the preceding witnesses, that
 your packages are generally small packages, under
 fifty pounds? A. Yes, sir. Q. And do you load
 and unload altogether in a railroad street, standing
 alongside of the curb? A. Well, no, sir; not
 always. Q. But still, do you generally do it? A.
 Yes, sir; generally do it. Q. And transact your 2134
 regular business in that way? A. Yes, sir.

WILLIAM ANDERSON, called as a witness on behalf
 of Mrs. Boreel and the Board of Transportation,
 being duly sworn, testified as follows:

B, Mr. Beaman:

Q. Where do you live? A. 240 York Street, Jersey
 City. Q. What is your business? A. I am a
 driver for the Adams Express. Q. How long have
 you driven for them? A. Eight years. Q. Double-
 horse team? A. Double wagon; yes, sir. Q. What
 route do you drive on? A. My route extends from
 Greenwich to Chatham, and Reade and Chambers
 Street, up as far as Duane. Q. Greenwich and
 Chatham, on the east side of Broadway? A. Both
 sides of Broadway. Q. And away across the city? A.

- 2135 From Greenwich to Chatham, and from Chambers to Duane. Q. What time do you go to work? A. Seven o'clock. Q. What do you do first in the morning, deliver or receive? A. Deliver. Q. Where do you get your goods from to deliver? A. Jersey City. Q. Is there anyone else on that route with you? A. No, sir; I have a certain district, and there is no one else on with me—that is, no large wagon. Q. Is there any small wagon? A. There are probably two or three different small wagons. Q. How many loads do you generally get at Jersey City in the morning? A. Only one. Q. You get through delivering that, at about what time? A. Well, from half-past nine to half-past ten. Q. And then, what do you do? A. I commence to pick up
- 2136 there then. Q. Around in this district? A. Yes, sir. Q. Where do you take to? A. To the main office. Q. Where is the main office? A. 59 Broadway. Q. 59 Broadway? A. Yes, sir. Q. And then what do you do? A. Then I take my noontime, and come out and pick up all the afternoon. Q. And run that in there again? A. Yes, sir. Q. How many loads do you generally run in in the day time, each day? A. Run in three loads. Q. You go around your route three times? A. Yes, sir. Q. And in the course of your route, do you have to go through other streets? A. Yes, sir. Q. For instance, you go through this street? A. Yes, sir. Q. And the next street? A. I don't go in Duane; I go up Broadway, as far as Duane Street;
- 2137 go through Chambers Street. Q. And you are looking around to see if anybody wants you? A. Yes, sir. Q. To see if there is anything for you to do? A. Yes, sir. Q. And therefore your business is to go through all these streets on your route three or four times a day? A. Yes, sir. Q. When you get down to 57 Broadway, what do you do with your goods? A. Unload them. Q. Where? A. At the back entrance on Church Street. Q. Adams Express building runs through from Broadway to Church Street, does it? A. Yes, sir. Q. How much frontage have they there on Broadway, do you remember? A. Well, I suppose the Adams Express frontage is probably sixty feet, as near as I can judge. Q. Have they any more than that on Church Street—is it the same on Church Street? A. The same on Church Street? Q. The ground slopes very much from Broadway down to Church Street, does

it not? A. Yes, sir. Q. So that as you go in on 2138 Church Street you drive in to what is under ground on the Broadway side? A. Yes, sir; to what is under ground on the Broadway side. Q. Are most of the goods of Adams Express delivered on the Church Street side? A. All the goods that their own drivers take up are all delivered on Church Street. Q. They are all delivered on Church Street—the Church Street side? A. Yes, sir. Q. And what goods are delivered on Broadway? A. Well, such goods as any other company has to transfer. Q. Transfer to your company? A. Yes, sir; their receiving office is on Broadway. Q. The receiving from other express companies and receiving from merchants, as far as they deliver their own goods, is on Broadway? A. Yes, sir. Q. Where are their 2139 goods delivered—are they delivered from the Church Street side—all the goods that go out? A. Yes, sir. Q. Do all go out from Church Street? A. Yes, sir. Q. Then the Adams Express do their business of delivering with their own wagons and receiving from their own wagons on Church Street? A. Pretty much, sir. Q. How many different routes are there down in this part of the city, of the Adams Express Company? A. I should say there were fifteen below Canal Street. Q. How many above? A. Probably twenty to twenty-five. Q. Does one wagon generally do the business of each route? A. No, sir; at certain times of the year each man has to have help during the busiest seasons. Q. What are all these wagons doing that are not on some specific route? A. Well, 2140 they deliver goods from Jersey City, and transfer their goods from the office to Jersey City and also at the Grand Central Depot. Q. Do the goods that are through goods, as it were, coming from Chicago and going to Boston—I don't know as they would go through here—but goods from Washington to Boston, do they go through New York? A. Yes, sir. Q. And are they received and delivered by their own wagons at Jersey City? A. Yes, sir. Q. So far as your business is concerned, to what extent do you make use of Broadway? A. Well, myself, I have always used Broadway whenever I could. Q. Why? A. Well it is about the only available street to go through if you have got a load; if you go through any other street you have got to pull out for every car that comes along, and if there is any snow comes along you cannot pull out because it is

- 2141 always banked up, whereas on Broadway you can generally get through even if there is quite a snow-storm. Q. You speak of it as the only available street with a load? A. Well, to make time on, to go ahead. Q. What effect do you think it would have on your business—this business of expressing—and so far as making time, as you call it, is concerned, if there was a double track railroad on Broadway, from the Battery to Fourteenth Street, with cars running thereon? A. Judging from the other streets, I should think it would have a bad effect. Q. Bad how—what way? A. Well, it would be the same on Broadway as it is on other streets. Q. What other streets? A. West Broadway, Church Street, Greenwich Street and others. Q.
- 2142 How is it on those streets? A. Well, if you are going against the grain—against the way the car is running—you have got to creep from one place to another, and if you are going with the car you have got to pull out in every little space you get a chance to pull out in. Q. If you wanted to go a certain number of blocks, say from Canal Street down to Barclay Street, and one wagon was on the corner of Canal Street and West Broadway, and another one at Canal Street and Broadway, which would get down the quickest, with the ordinary run of business on those streets? A. I should think the one on Broadway; I could go down quicker on Broadway.
- Q. Is there a good deal of trucking on West Broadway? A. Yes, sir; a good deal. Q. Is it a crowded street? A. Yes, sir; generally. Q. Are there more blockades there than there are on Broadway itself? A. Yes, sir; there are blockades all day at Chambers Street and West Broadway; there are always three police officers there to keep it clear, so that it must be a pretty lively place. Q. By blockades do you mean, so that your wagons must stop? A. Yes, sir. Q. Or are they simply blocks, so that you must go slow? A. Well, they have got to use a little judgment to see who they will let through first or it will make a block. Q. Is your business done mostly with your horses on a trot or on a walk? A. Well, there is very little walking; generally on a little trot. Q. Slow trotting? A. Yes, sir. Q. Even with such loads as you put on, if the road is clear you can trot up and down Broadway? A. Well, sometimes you get a load that you

cannot trot with. Q. Which, in your judgment, 2144
 would occasion the most blockades on Broadway, a
 certain number of omnibuses or a certain number of
 horse-cars? A. I think the horse-cars would cause
 the most blockades. Q. Which would cause you
 the most trouble, a hundred omnibuses or a hun-
 dred ordinary trucks? A. Well, they are all the
 same; they can pull out, and they have no street
 track to go on; if you cannot get by a man on one
 side you can probably get by on the other; if you
 meet a truck going along you can pass each other
 very handy. Q. Do you do much loading and un-
 loading on Broadway? A. I do quite some on this
 block here—right out between Reade and Duane
 Street here. Q. Right out on this block? A. These
 two blocks are the only two blocks that I do any 2145
 business on Broadway—that is, while I am on my
 route. Q. That is the only place—these two blocks
 —where you receive and deliver goods on Broad-
 way? A. Yes, sir. Q. So that your route has not
 much Broadway work on it, as far as delivering
 and receiving is concerned? A. No, sir. Q. Are
 most of your packages heavy packages, or are most
 such packages as a man can throw in the wagon
 himself? A. Most of these around this neighbor-
 hood are heavy. Q. How do you unload those
 packages? over the side, or do you back the truck
 up to the curb? A. Anything that I can load over
 the sides I always do. Q. Why? A. Well, it is
 handier than it would be to back in. Q. That is
 the habit of your business? A. Yes, sir. Q. And 2146
 it is the habit of expressmen generally? A. Yes,
 sir. Q. That they don't back up unless it is prac-
 tically necessary? A. Yes, sir; not unless it is
 necessary? Q. If Broadway was blocked up more
 by cars, or anything, do you know anywheres where
 you could go to make it any easier? A. No, sir; I
 do not.

Cross-examination by Mr. Bright :

Q. Suppose a railroad were built in Broadway,
 would you continue to use it as you do now? A.
 Yes, sir; I would have to. Q. Suppose you were
 going from Jefferson Market, Sixth Avenue, to the
 Standard Theatre at Thirty-third Street, how would
 you go; suppose you wished to pick up a package
 at the Jefferson Market and another at the Standard
 Theatre, how would you go from the Jefferson

- 2147 Market to the Standard Theatre? A. I should think I would go right up Sixth Avenue? Q. That is a very busy railroad street, is it not? A. Yes, sir. Q. And the street is very greatly obstructed by the posts of the elevated railroad also? A. Yes, sir; but still the street is in pretty good condition, and a man can get up that street, a good deal different than he can on Broadway; he is not bothered with the tracks. Q. Do you find your difficulty in the streets east and west of Broadway arises, and is due to some extent from poor pavements? A. Very often, sir. Q. Is it very generally so? A. Well, the streets are in better condition now than they have been. Q. Has that been one of the considerations that has gotten you in the habit of
- 2148 going into Broadway as much as you do? A. Well, Broadway—— Q. No, no; answer that question; is it the fact that these pavements have been one of the reasons that have induced you to go to Broadway as much as you do? A. Well, the only part of Broadway that I use to-day, is the two blocks between Chambers and Duane Street. Q. This Church Street entrance where all your wagons go in and out to receive and deliver goods is a railroad street, is it not? A. Yes, sir. Q. And there is the addition of the elevated railroad posts there? A. Yes, sir. Q. And yet all your wagons go in and out at that place? A. Yes, sir.
- Q. Do you dislike the police control as much as the last driver did? A. In regard to what, sir? A. In regard to giving way to cars, and not occupying the street? A. No, sir; I have always made it a rule to give them all the show I could—anybody, in fact. Q. Your principle is, “Live and let live?” A. Yes, sir; that is it.
- 2149

By Mr. Fuller :

Q. Which do you consider is the most crowded street in New York? A. Well, West Street is the most crowded street that I know of, in the vicinity of Washington Market. Q. And which next to West Street? A. Do you mean a main street? Q. Yes; which is the most crowded, West Broadway or Broadway? A. Well, West Broadway, in the vicinity of Chambers Street, where I am, is generally the most crowded. Q. More crowded than Broadway? A. Yes, sir; at certain times. Q. Do you consider it easier for you to drive by a truck or

stage that goes crooked than to go by a car that goes perfectly straight? A. I mean to say, that if a truck behind me wants to go past, or I want to go past a truck ahead of me, I can pull around him or he around me; but if a car wants to get past me, I have to pull out and let him pass. Q. Don't you think, as a rule, if you were driving up Broadway, and a car was running ahead of you, that you could get by the car easier than you could pass a stage? A. I don't think I should ever want to pass a car, in my judgment. Q. They get out of your way? A. They go too fast; I wouldn't need to pass them.

By Mr. Bright:

Q. You are connected with Adams Express? A. Yes, sir. Q. What express companies are there adjoining the Adams Express—that is, in Broadway? A. There is the American, United States, and National—all in that neighborhood. Q. Is it their wagons that stand backed up to the curb in Broadway? A. They all use Broadway. Q. Do they back up—those other companies? A. When they have occasion to; yes, sir. Q. Do those companies take their goods into the rear? A. The National uses Liberty Street a good deal. Q. The other companies—do the other companies take their goods into the rear, and do they deliver them or receive them in Broadway? A. The United States uses Broadway; they have not got much rear, I guess; they do a good deal of their business on Broadway. Q. And stand with their tails to the sidewalk, their horses stretched across the street? A. Whenever they have heavy stuff, yes.

HUGH LEONARD, called as a witness in behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Everts:

Q. Mr. Leonard, what is your occupation? A. Carriage driver—coupe driver. Q. Do you own your own carriage? A. Yes, sir, I do. Q. And horse? A. Yes, sir. Q. Do you own more than one? A. Yes, sir, two. Q. You own two? A. Yes, sir. Q. You have a license for both? A. Yes, sir, two licenses. Q. How long have you driven a hack in New York City? A. About thirty years, I presume.

2153 Q. Do you regularly drive one of these cabs yourself? A. Yes, sir; and I have driven for others.

Q. You mean that in the last thirteen years, you have driven sometimes for a livery stable and sometimes for yourself? A. Yes, sir. Q. But do you now regularly drive one of these wagons that you own yourself? A. Yes, sir. Q. And you let out the other? A. No, sir; the other is doing nothing at present. Q. Where do you stand usually? A. Madison Square, generally. Q. Do you belong to the Cabmen's Association? A. Yes, sir. Q. What is the name of that association? A. Manhattan Cab Association. Q. What are your usual hours for getting upon the stand at Madison Square? A. I have no certain hour; I generally work nights
2154 now. Q. You generally work at night? A. Yes, sir. Q. To what extent do you use Broadway, in going up and down town from Madison Square to Wall Street? A. I use it at all times whenever I get a call from Brooklyn or Jersey City, or anywhere down below Canal Street. Q. Why do you use Broadway in preference to any other street? A. I consider it is the quickest way to get along, and more central than the side streets. Q. And is it, in your opinion, better than if horse-car tracks were in it? A. My opinion is, I wouldn't take it then at all; I believe it is bad enough now without tracks. Q. You think Broadway is bad enough now without tracks? A. Yes, sir; crowded enough. Q. Why
2155 would the presence of railroad tracks, and cars operated upon them, make it worse? A. Well, I believe I would get very few people, to ride with me if I went in the tracks; a great many people, especially ladies, don't want to ride in a street that has railroad tracks. Q. But how would it affect the ease with which you could get up and down Broadway? A. Well, if there were no cars on the track it wouldn't be so bad; but on the side of the street it is crowded; if you go on a track and you don't go fast enough, the driver of the car whistles and you have to turn in and out, with the danger of twisting your wheels off, especially as they have some of the tracks now. Q. Do you find in your experience, that railway tracks are injurious to horses and cabs? A. Yes, sir; I am sure of it.

Cross-examination by Mr. Bright:

Q. If I should come to you at one o'clock to-night, and ask you to take me from Fifty-ninth Street

down Seventh Avenue to Forty-fourth Street and 2156 Broadway, and then down Broadway to the Battery, what would you charge? A. Fifty-ninth Street to the Battery and back? Q. Yes, sir. A. Charge you about three dollars. Q. Are those night cabs known as "Night Owls"? A. Yes; they are commonly called "Night Owls." Q. Do they call you a "Night Owl"? A. No, nobody ever calls me that. Q. Do they call your establishment a "Night Owl"? A. I suppose so. Q. And you think that running through Broadway at night, with your night establishment, you would suffer great inconvenience from some kind of obstruction, if there was a railroad there? A. Yes, sir; I think so. Q. Do you think you would be bound to break your wheels, even though there were no trucks at the sides of the 2157 street? A. Yes, sir; according to the way they put the tracks down. Q. I suppose it would be according to the way you would drive at night? A. Yes, sir.

By Mr. Fuller:

Q. How long have you driven—how long have you been driving? A. I presume I have been driving thirteen years, in the City of New York. Q. Have you ever broken a wagon? A. Indeed I have, lots of them. Q. How many? A. I have broken about three, I guess. Q. In thirteen years? A. Yes, sir. Q. Do you consider yourself a good driver? A. Yes, sir; I do. Q. How did you break them? 2158 A. With a railroad track—broke one. Q. From getting in or getting out? A. Getting out. Q. What time of night? A. It was in the broad daylight. Q. You see better at night than you do in the daytime, do you not? A. Well, yes; sometimes where the electric lights are, you can see very well. Q. I didn't know but that was the reason they called you a "Night Owl"; did you ever have a lady object to your driving in a railroad track? A. Indeed I did, sir; the other night I took one over to Brooklyn, and she said if I went in a railroad track she wouldn't go with me, not an inch, and her husband said that to me too, and I told her no, I would go down Broadway to the Bridge.

Q. Did she give any reason for being afraid to ride in a railroad track? A. No, sir; she said, "Don't go in a railroad track." Q. Did she know you as a driver? A. No, sir; just hailed me at the

- 2159 St. James Hotel. Q. Then you wanted to drive in a railroad track? A. No, sir; she made that request before she got into the cab. Q. That you should not drive in a railroad track? A. Yes, sir. Q. You say that it is a great injury to carriages and horses to drive in a railroad track? A. Yes, sir; no streets are so bad as the ones with railroad tracks in them, and you have got to be very careful or you will smash your spring or twist your wheel off. Q. How do you hurt your horse? A. Well, it ain't so bad on the horse if I am careful. Q. There is no difficulty in driving in and out of a railroad track, is there? A. No difficulty? Q. Yes. A. Yes, I think there is a great deal; you have got to cross it in a certain diagonal short-cut. Q. Is there any actual necessity for bending an axle-tree or breaking a wheel if a man knows how to drive in or out of a railroad track? A. Well, no, if you know how to do it; but you can't do it always. Q. If you know how to do it, there is no danger? A. No, sir. Q. If you don't know how to do it, there is danger? A. Yes, sir; there is, sure.

JOHN MULLEN, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Everts:

- Q. Where do you live? A. 315 East Forty-third Street. Q. What is your occupation? A. I keep a livery stable and run hacks. Q. Do I understand that you keep a livery stable, or are your hacks licensed hacks? A. I have licensed hacks. Q. How many have you? A. Five altogether. Q. And how many horses? A. Eleven horses. Q. That is your place of business where you live? A. No, sir; my place of business is 206 and 208 East Fortieth Street. Q. Were you at one time President of the Manhattan Cab Association? A. Yes, sir. Q. For how long? A. One year. Q. And how long ago? A. Three years ago, I think it was. Q. Do you now drive a cab yourself regularly? A. I don't drive a cab; I drive a team to a carriage occasionally. Q. Occasionally? A. Yes, sir. Q. But you have, in some part of your life, driven a hack regularly in New York? A. Yes, sir. Q. For how long a time? A. The first time I drove a hack in New

York I was about twelve years old. Q. And that 2162
 was about how long ago? A. About twenty-seven
 years ago. Q. How long is it since you gave up
 driving a cab regularly? A. About three months.
 Q. You are pretty familiar with the streets of New
 York? A. Yes, sir. Q. And the travel in them? A.
 Yes, sir. Q. And with Broadway? A. Yes, sir. Q.
 To what extent have you used Broadway, and do
 you now use Broadway, in going up and down town
 driving a hack? A. I invariably use Broadway if I
 have any length to go at all. Q. And why do you
 prefer Broadway? A. Simply because there are no
 car tracks on it, and you get more right-of-way on
 it than you do on any other street. Q. You make
 better time there? A. Yes, sir; I never leave
 Broadway to make time. Q. Could you make as 2163
 good time, in your opinion, if there were two tracks
 on Broadway, with cars running on them? A. No,
 sir; I could not. Q. What effect do you think that
 would have on the traffic on Broadway? A. I think
 it would have the same effect on Broadway that it
 has on West Street or on West Broadway. Q. And
 what is the effect there? A. Well, I suppose along
 between from two to four o'clock in the afternoon,
 or five o'clock in the afternoon, on West Broadway
 in the vicinity of Duane and Chambers Streets, there
 is a continuous blockade as far as College Place.
 Q. Do you think the removal of the omnibuses from
 Broadway would relieve Broadway to any great
 extent? A. No, sir; I don't think it would; I
 don't think it would relieve it any. Q. Why do 2164
 you think so? A. Because there would be as many
 more vehicles taking Broadway on that account if
 the stages were taken off; and, as a class, the stage-
 drivers are a most accommodating set of drivers—
 more so than truck drivers. Q. Is it easier for an
 omnibus to get extricated from a blockade than for
 a horse-car? A. Yes, sir; it always is, and the
 drivers are more experienced and better drivers.

Cross-examination by Mr. Bright:

Q. If all the stage drivers became car-drivers on
 Broadway, what would you think of the horse-car
 line then? A. That would depend a good deal upon
 the people who controlled them. Q. How near to
 Broadway is your livery stable? A. I should judge
 about three-quarters of a mile. Q. Suppose I wanted
 you to drive me from Broadway and Forty-third

2165 Street to the Battery and back, what would you charge me? A. Just a straight drive down and no detention? Q. Yes, to get out for two minutes and return? A. I should drive you at the rate of twenty-five cents a mile. Q. How much is it? A. Consider it eight miles. Q. And then you would charge me two dollars? A. Yes, sir. Q. Did you ever drive a car? A. No, sir.

By Mr. Fuller :

Q. Supposing Mr. Bright should want to stop and take a drink, would you charge him for the time? A. If he stayed there five minutes I should. Q. You say you have been driving since you were twelve years old? A. Yes, sir. Q. I should judge you were an excellent driver? A. Yes, sir. Q. Have you ever driven more than two horses? A. Yes, sir; I drove as many as six. Q. You say that the stage drivers are more accommodating than the truck drivers? A. I always found them so. Q. Why do you think that is a fact? A. Well, probably their loads are not quite so heavy as the trucks; and it is easier for them to get out of the way. Q. Don't you think, as a rule, a driver that has a strong carriage will generally maintain his right of way and make the lighter one turn out? A. The heavier one takes the advantage. Q. Invariably? A. Yes, sir. Q. Don't you think it would make the stage drivers and truck drivers and carriage drivers very courteous and accommodating if they had a cable road on Broadway that could maintain its standing and go right straight along on a rail without interfering with anybody; don't you think it would be an improvement on a horse-car? A. That is to run along the same as a horse-car only by cable? Q. Yes, dispensing with the horses? A. Well, the horses in front of the cars as a general thing are not so much obstruction as the car itself is because the horses can be swung from one side to the other whereas the car can't. Q. You frequently injure horses, don't you? A. Yes, sir. Q. In case there were no horses, you wouldn't be so likely to injure the car? A. No, sir. Q. But that would be an improvement, wouldn't it? A. Well, I couldn't say that it would be. Q. You have not formed an opinion upon that? A. I have one great objection to the railroads; I find from the continuous use of a street by a railroad company that the street always becomes raised up in the

centre and sloping to each side, and you are com-²¹⁶⁸
 pelled to drive in the car-track and cannot drive
 along the side ; if you are driving along on the right
 hand side of a track going down, if you meet a
 wagon or anything in the way, you go turning into
 the car-track, and if you are driving a team your
 nigh horse, if you don't keep him pretty well bitted,
 you are liable to throw him down going on the
 track. Q. Don't you consider the easiest place for
 a team, the most rapid place for traveling for a car-
 riage, is to put one wheel in the centre track and
 drive your two horses between the two tracks ; isn't
 it generally less slippery between the two tracks ?
 A. It is pretty good when they sand it as they do.
 Q. Between the tracks ? A. Yes, sir ; in the centre ;
 just simply because it is not much used ; but we in-²¹⁶⁹
 variably try to keep our wheels out of the car-track
 because they are injurious to the vehicle. Q. But
 don't you find that it is the most convenient place
 and the horses slip less between the two car-tracks
 than anywhere else in the street ? A. We do, yes.

By Mr. Everts :

Q. Don't you find that you have to leave that
 place pretty often to get out of the way of approach-
 ing or following cars ? A. Yes, sir. Q. Then do
 you use that place very much between the tracks ?
 A. In driving a team you have got to be very care-
 ful because most times you have got to swing back
 into the car-track to allow vehicles coming in the²¹⁷⁰
 opposite direction to pass. Q. Do you know what
 headway cars generally have ? A. Two minutes or
 two minutes and half, some as high as four minutes.
 Q. Mr. Mullen, is part of your business carrying
 people up and down town, to their businesses in the
 morning and home at night ? A. I have carried one
 gentleman three years up and down.

Q. You drove him yourself ? A. Yes, sir. Q.
 Where was his office ? A. In the Mills Building, in
 Broad Street. Q. Did you carry him back in the
 afternoon ? A. Sometimes ; not every day. Q. Do
 you know whether he had any preference as to
 streets with railroad tracks on ? A. Well, I know
 he objected to riding on railroad tracks. Q. He did
 object ? A. Yes, sir. Q. Where did you take him
 from ? A. Fortieth Street and Park Avenue. Q.
 What route did you pursue ? A. Generally down
 Madison Avenue. Q. To what street ? A. To

2171 Twenty-third Street and through into Broadway ; sometimes I would turn into Twenty-fourth Street and go down Fourth Avenue and then go into Broadway. Q. How far down Fourth Avenue? A. To Fourteenth Street, and then down Broadway.

THOMAS DALY, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

By Mr. Evarts :

Q. What is your occupation? A. Livery stable.
 Q. Where is your place of business? A. 451 Fourth Avenue. Q. How long have you been engaged in that occupation? A. Nine years in that place. Q. And in the City of New York? A. Sixteen years.
 2172 Q. You have been nine years in that business at that place? A. Yes, sir. Q. And you have been sixteen years in business in New York City? A. Yes, sir ; in the same business. Q. At a different location, you mean? A. Yes, sir. Q. What part of Fourth Avenue is this where you now are? A. Between Thirtieth and Thirty-first Streets. Q. How many carriages do you have? A. About 24. Q. Some of them one-horse and some of them two-horse carriages? A. 10 or 11 one-horse, and the rest carriages and victorias, landaulettes, &c. Q. How many horses do you keep? A. Sometimes from 35 to 50, according to the season. Q. How many
 2173 drivers do you generally employ? A. I generally employ about 16 men. Q. Have you driven yourself in New York? A. I have, sir ; yes, sir. Q. During what time? A. Well, about eight years of my early life. Q. Did you drive a livery carriage or a hack? A. Yes, sir ; always for a stable. Q. For what stable? A. For a stable down the block ; Mr. Shury. Q. To what extent do you use Broadway in going up and down town? A. Altogether, sir ; those are my orders, sir ; to use Broadway altogether. Q. Why? A. Because I find it the most convenient, and there are no tracks. Q. Is that one of the reasons that makes it the most convenient, in your opinion? A. That is the principal reason, sir. Q. And that is the reason why you give orders to your man to drive there? A. Yes, sir ; and I get orders from my customers not to go into railroad tracks. Q. What effect, in your opinion, would it have upon the convenience of Broadway for the uses

of travel if a double track road should be placed up-2174
 on it with cars running thereon? A. Well, it would
 make all the effect in the world; we couldn't make
 the time our customers would want us to make, and
 they wouldn't ride with us; they would take the
 elevated road or some other conveyance that would
 take them swifter. Q. So that they wouldn't go up
 and down town in carriages? A. No, sir; they
 would not. Q. Is there any other street that you
 could use if Broadway had a railroad track in it?
 A. I don't know of any other? Q. Do you know of
 any street up and down town without railroad tracks
 in it, excepting Broadway? A. No, sir; and if
 there are they are too narrow and not fit to use as
 well as Broadway is. Q. What, in your experience,
 is the effect of city railroad tracks in causing in-2175
 juries to carriages and horses? A. Well, a railroad
 track is injurious to carriages and horses both; they
 are injurious in turning in and out, liable to throw
 your horse and liable to tear your carriage all to
 pieces; it is not, as a rule, that we break carriages
 in them, because we tell our men to be careful; but
 we have to use more care than we do in any other
 part of New York where there are no tracks. Q.
 Do you avoid railroad tracks as much as possible in
 driving around the city? A. In all cases; and our
 customers won't ride in railroad tracks, and they
 won't ride with drivers that drive in railroad tracks.
 Q. With the present traffic on Broadway, do you
 think that a horse-car would make better time from
 the Battery to Fourteenth Street than an omnibus? 2176
 A. Well, I couldn't say that; I couldn't say how
 fast they are limited; sometimes a car is limited as
 to time, and they cannot make any faster time than
 they are limited; that is according to the business;
 sometimes the car will get an hour or an hour and a
 half to make a trip.

Cross-examination by Mr. Bright:

Q. Do you do business every day in streets in
 which there are horse railroads? A. Yes, sir. Q.
 You travel in them every day? A. Well, I don't
 know whether we do every day or not—well, I sup-
 pose we do, because there is a railroad on the street
 on which we do business. Q. Suppose a railroad
 was constructed on Broadway, would you continue
 to use Broadway? A. We would be compelled to.
 Q. You wouldn't go into Mercer Street? A. I

2177 wouldn't go into Mercer Street. Q. What would you charge me to take me from Union Square to the Battery and back? A. I have not my station at the Union Square; I would charge you from where I would start. Q. From your stable on Fourth Avenue and Thirty-first Street to the Battery and back, what would you charge me? A. I should charge you \$2 for a coupe. Q. And how much for a carriage? A. \$2.50.

By Mr. Fuller :

Q. Your horses get smooth? A. Yes, sir; they do. Q. Would you take Broadway if it was very slippery, and your horses were smooth, in preference to either South Fifth Avenue or West Broadway? 2178 A. Yes, sir, I would, sir. Q. Have you ever had your horses fall on Broadway? A. Many a time, yes, sir; on all streets. Q. Don't you consider Broadway more slippery than any other street? A. I do not; no, sir; I consider it the best driving street in New York. Q. Isn't it more slippery than West Broadway? A. It may have been more driven but no more slippery. Q. Isn't Fifth Avenue more slippery than South Fifth Avenue and West Broadway? A. With causes it is, but without causes it is not; there are causes for that; in extreme weather it would be slippery. Q. In any weather? A. Not in all weather, no, sir. Q. Then a stone is not more slippery that is perfectly smooth than one that is rough? A. No, sir; not at all. Q. It isn't? A. 2179 Not at all.

By Mr. Everts :

Q. What do you mean by saying that a stone is not more slippery when it is smooth? A. In cold weather it will get more slippery when iron or steel forms on it; when it is warm weather it isn't any more slippery than rough stone; not a bit. Q. And how does the iron get on the stone? A. From the rolling of the wheels over it and from the horses' shoes. Q. And that makes it slippery? A. That makes a great difference, and then it only gets so in cold weather. Q. And your experience leads you to the opinion that Broadway is the best driving street in New York? A. Yes, sir it does. Q. And is not the most slippery? A. No, sir, it is not the most slippery; no.

LUKE KEARNEY, called as a witness on behalf of 2180
Mrs. Boreel and the Board of Trade and Transportation,
being duly sworn, testified as follows :

By Mr. Everts :

Q. Mr. Kearney, what is your occupation? A. Cab-driver, sir. Q. How long have you been such in this city? A. Since 1866. Q. Do you own a cab? A. I do, sir. Q. How many? A. Two. Q. How many horses do you own? A. Three. Q. Do you drive one of those cabs every day? A. Every day. Q. What do you do with the other? A. I have a man driving the other, paying him wages to drive it. Q. They are licensed cabs? A. Yes, sir. Q. And are you a member of the Manhattan Cab Association? A. Yes, sir. Q. Were you ever an officer of that association? A. Yes, sir; I was the late President. Q. You are one of the ex-Presidents? A. Yes, sir. Q. Where do you usually stand, Mr. Kearney? A. Union Square, sir, as a general thing; but when I come down-town in the morning I may probably stay down here—down in Broad Street or on the City Hall Square. Q. Do you generally come down in the morning? A. Very often. Q. Do you have any regular contract to bring anybody down? A. Not at present; I used to; not this Winter I have not. Q. But last Winter did you? A. I did. Q. Where did you take your fare from and to what place? A. Sometimes to the corner of Exchange Place and Broadway, but as a general thing Exchange Place and New Street. 2181 2182

Q. And where did you take him from? A. From the Westmoreland Flats. Q. How long have you used Union Square as a stand? A. I am standing on the Union Square with a public hack for the last eleven years. Q. And during that time have you driven up and down Broadway nearly every day? A. Yes, sir; and sometimes twenty times a day. Q. In going down-town, down say to Exchange Place, do you use Broadway? A. Yes, sir. Q. Why? A. Because I can make better time on it. Q. To what extent do you use Broadway—how much do you use Broadway in going up and down town? A. Well, I use it, as a general thing, all the time if I am going down in this neighborhood. Q. You use it altogether? A. Yes, sir; I use it altogether. Q. Why do you prefer it? A. I prefer it because there is no railroad on it. Q. And can you get along bet-

- 2183 ter? A. I can. Q. Faster? A. Faster and better. Q. Is it as direct as any other road? A. Well, I should say it is; it is pretty straight. Q. What effect would it have, in your opinion, upon the travel of Broadway, if a double-track horse railroad were put upon the street? A. I don't know what the effect would be; in my opinion the effect would be pretty bad for a man of my business. Q. How would it affect your business? A. Well, it would affect me that I couldn't make the same time on it that I would be able to if there was no railroad there. Q. Why couldn't you make the same time? A. Well, for the simple reason that I would have to keep behind the cars, and they would be stopping every moment to take up passengers, and you
- 2184 couldn't pull out to get ahead of them, because if you did and something was ahead of you, why, they would be after you with their infernal whistle, and if you didn't get out right away a policeman would come along and say, "Pull out! pull out! you have no business there!" and there would not probably be five minutes but what you would have to stand and let them go by; the streets with horse-cars in them, I find traveling through them that the horse-cars are a perfect nuisance for a man that is in a hurry to do business. Q. And do you, as far as possible, avoid streets that have tracks in them? A. I do, sir.

By Mr. Bright:

- 2185 Q. Do you make many short trips in Broadway? A. Well, I very often go shopping on it with people. Q. Well, when you come down town and stand here at the City Hall, are you employed every day for short trips on Broadway? A. Not every day. Q. Frequently? A. Frequently. Q. In general, within what distance? A. Well, a party hailing me here might stop ten times in ten different blocks. Q. Are you sometimes employed to make short trips between Canal Street and the Battery? A. Well, of course I am sometimes; a man may want to go down and catch a train or boat, or something like that. Q. And he would take your cab? A. Yes, sir. Q. Well, don't you like Broadway very much because you are more apt to pick up custom on it than on any other street? A. I always look for customers there; as a general thing we go there to

try to find them. Q. You speak of its hurting 2186
 your time; is not the real consideration with you
 that a Broadway railroad running at five cents would
 hurt your business? A. Well, people riding in cabs
 won't ride in railroads nor in a stage; we can tell a
 cab rider without doubt by seeing him in the street
 without even putting up our finger to him. Q. Won't
 you describe him? A. Yes, sir; I can tell him when
 I see him. Q. Describe him to us. A. Because he is
 always a good-natured-looking fellow; he is never
 looking at five cents for a stage or a car; he has his
 note in his inside pocket. Q. You are not afraid of
 losing those fellows? A. No, sir; they are always
 good.

2187

By Mr. Fuller :

Q. Are those men confined to Broadway alto-
 gether? A. Not as a general thing; I suppose you
 will find them in some other places. Q. Well, Broad-
 way is the most direct route from Union Square to
 the Battery, is it not? A. Yes, sir; it is the most
 direct route that I know of. Q. Well, if there was a
 flat rail laid in Broadway you would still drive in
 Broadway, wouldn't you? A. Well, there is a con-
 sideration, sir; that depends upon how the rail is
 there, and how many cars will block up the place
 and make us pull out and go down the Bowery. Q.
 Of course it is always for a consideration that
 you drive? A. Yes, sir. Q. Well, do you think 2188
 that you would go down the Bowery if there was a
 railroad track laid in Broadway? A. If the cars had
 the place blocked I would. Q. Which do you con-
 sider the worst blocked street or the most blocked
 street? A. The most blocked streets in New York?
 Q. Yes. A. Those where the railroad cars run.
 Q. Always? A. Yes, sir. Q. Then West Broad-
 way, Greenwich Street, Washington Street, Third
 Avenue, Second Avenue, are all blocked more than
 Broadway? A. As a general thing you will find
 them so. Q. Well, don't you consider that unfortu-
 nate for Broadway that there is more business doing
 on those streets than on Broadway? A. Well, I
 don't know whether it is unfortunate for Broadway
 or not; the people on Broadway seem to be doing
 very well. Q. But you think there is not as great a
 crowd on Broadway as on any other of those streets

- 2189 and avenues? A. For pedestrians there is. Q. But carriage driving there is not—not so many wagons? A. No, sir. Q. So that a railroad on Broadway wouldn't be any greater obstruction than it is in those other streets? A. I think it would be. Q. Well, why? A. Because I think it would obstruct Broadway more yet. Q. That is, you think it would obstruct Broadway as much as it obstructs Greenwich Street, and Washington Street, and West Broadway? A. I think it would much more because the heavy trucking you get from those lower streets, they generally come into Broadway; but if there is a railroad on it they cannot go near it. Q. And why should not Broadway be blocked more than those streets? A. Well, there is no railroad on it now. 2190 Q. But if there is a railroad on it do you think the crowd would come there? No, but I think the street will be blocked sure. Q. You think the main crowd will come on Broadway? A. No, sir; I don't think any greater crowd will come, but the railroad cars there will block up the street because the vehicles couldn't move along there as they do now. Q. You think it would block Broadway any more than Greenwich Street or Washington Street is blocked now? A. I should think it would. Q. Why should you think so if there is no greater crowd on Broadway than on those streets? A. I didn't say there was no greater crowd; I don't say there is any less crowd on those streets than there is on this. 2191 Q. Do you say there is a greater crowd on Broadway? A. I say there are greater blockades; greater trouble in getting through with a vehicle.

By Commissioner Harris:

Q. If there was a railroad on Broadway, do you think the trucks would leave Broadway? A. Well, they would try to avoid it, I think, some of them, because I think they try to avoid streets wherever there is a railroad. Q. Well, do you think the tendency would be, if there was a railroad on Broadway, to drive trucks and other wagons and vehicles off of Broadway, or to bring them on to Broadway? A. Well, I don't drive a truck. Q. I know; but what is your opinion about it? A. Oh, I can't form an opinion upon that; I don't know; I can only form an opinion upon my own business. Q. Well,

how is it with you ? A. I would keep away, I think. 2192
 Q. Where would you go ? A. I don't know ; I would find some other place ; if there was any other street where there was no railroad track I would try to get into it.

Adjourned until half-past one to-morrow.

NEW YORK, February 10, 1885.

B. S. CHURCH, called on behalf of the parties represented by Mr. Nelson B. Adams, being duly sworn, testified as follows :

By Mr. Adams :

2193

Q. You are a civil and mechanical engineer ? A. I am a civil engineer. Q. What position do you occupy at the present time ? A. Chief engineer of the Aqueduct Commision—New Aqueduct. Q. Chief engineer of the Aqueduct Commission ? A. Chief engineer to the Aqueduct Commission. Q. You are of course then familiar with Broadway and the streets in New York ? A. I am. Q. And you know what the construction of an ordinary horse-car road is in the streets ? A. I do. Q. The application of these petitioners is for building a road on Broadway below Fourteenth Street, the same as they have on Broadway above Fourteenth Street—2194
 the same as they have on Broadway from Seventeenth Street to Twenty-third Street; do you know what that construction is ? A. How is that question ? Q. The application of the Broadway Surface Railroad Company is to build a road on Broadway below Fourteenth Street of the same construction as their road on Broadway from Seventeenth to Twenty-third Street; do you know what that road is there ? A. Yes, sir ; I know what that is. Q. What do you think of constructing a road like that on the lower portion of Broadway ? A. I think there are other methods of laying roads that would be less objectionable. Q. You have seen this pamphlet of the United States Cable road and Sub-way Company, and the model that we present here ? A. Yes, sir ; I have examined them. Q. Do you think that it would be preferable to build a road like that on

2195 Broadway to constructing an ordinary horse railroad on it? A. I think it would in several particulars. Q. Why so? A. In the first place, as I understand this road from the pamphlet and from your explanation, you have but two tracks or two iron guides in the form of a track flush with the pavement, and being flush with the pavement they have not the objectionable features for traffic that a raised track would have or a track similar to the one used now in Broadway above Fourteenth Street. Q. You think that it would be less objectionable to the Fire Department and to truckmen and cabmen and all classes of travel? A. I should say it would be decidedly less objectionable than the other.

2196 *Commissioner Harris*: That is running in a slot -- these wheels—you say is less objectionable? A. Less objectionable, not interfering with ordinary travel in crossing this track. We have had some experience from that and seeing a loaded team or a private carriage in crossing and recrossing the ordinary tracks to get out of the way of a street car.

By Mr. Bright:

Q. How large do you understand this slot to be? A. That I haven't gone into particularly; I understand it is to be a little over half an inch. Q. And how many of them? A. There would be four slots on a double track—yes, sir, four slots on a double track. Q. What is your impression of the tendency of these slots, to catch the corks of horses' shoes? A. Well, there might be a chance of their catching in the slots; I do not say that there are no objections to this system, but that there are less objections to it than the ordinary systems that I have examined.

A. C. HULL, called on behalf of the parties represented by Mr. Nelson B. Adams, being duly sworn, testified as follows:

By Mr. Adams:

Q. What position do you occupy? A. Captain of the Fire Insurance Patrol. Q. Where are you located? A. 41 Murray Street. Q. How long have you been connected with the Fire Patrol? A. Fif-

teen years, and twenty-seven years in fire service. Q. You are thoroughly familiar, then, with the streets in New York and use them for fire patrol purposes? A. I think I am.

Q. To what extent have you used Broadway going to and coming from a fire? A. To a very great extent. Q. Do you usually use it in preference to any other street? A. More particularly in Winter time, yes, sir. Q. Why do you use it? A. As a rule it is a clearer way than other streets. Q. Any other reason? A. No; it is easier for our horses and they make better time—travel faster. Q. Are you also used to driving on streets with railroad tracks on them with your patrol wagons? A. Drive through them all. Q. Do you find any objections to those streets as compared with Broadway; did you find any objections to driving in streets where there are railroad tracks? A. Yes, there is an objection at times; at times they are serviceable to us; in Winter time we often take the benefit of car tracks in preference to any other; we oftentimes go two or three blocks out of the way to get on them. Q. Why? A. Because we can follow the tracks and they are easier to ride in—smoother and better, and tracks are so numerous we can almost always get a street with tracks. Q. You always drive on a track when you can? A. Yes, sir; even go one block or two blocks out of our way to get on a track. Q. How about going up behind a car with your fire apparatus? A. There is the trouble of swinging out and swinging in again; I have been injured several times myself that way; at all times we drive pretty rapidly—much more so than the common run of vehicles through the streets. Q. If you were to have a road on Broadway—if a road is going to be built there, a horse road or something better than you have seen—this construction of ours here and the model showing a smooth street surface—do you think that that would be preferable on Broadway to the ordinary horse-car rails? A. If there is to be a road on Broadway I think that would be the best of anything that I have seen.

By Mr. Bright :

Q. Are your horses always well corked? A. Yes, sir; I keep them so, more particularly in the Winter

- 2201 time. Q. What is about the size of their corks? A. Our horses? Q. Yes. A. They average about 1,300. Q. No, no, the corks on your horses' shoes, what is about their measurement? A. Oh, I thought you asked about the weight; well, the toes probably measure two inches and a half long in a circular shape, and the heels are five-eighths to three-quarters. Q. And the width of the toes? A. About two inches and a half on the toes. Q. The depth of them then, if my finger represents the circular front of the toe, you say it is about two inches and a half long? A. Yes, sir. Q. What is the length across in that way (indicating). A. That may be at the bottom a quarter or three-eighths of an inch. Q. And the heel about how much? A. The heel about probably 2202 five-eighths square. Q. And what is their height when new? A. When new, probably about five-eighths of an inch from the surface of the ground. Q. And the toes are the same? A. Yes, sir; or nearly the same. Q. Anything that would catch those corks or those toes violently would be dangerous, would it not—any opening in the street in which those corks or the toes might get caught would be very dangerous to the horses? A. Yes, sir; as far as that is concerned we throw shoes very frequently in all sorts of holes. Q. Suppose that there was an opening in the iron rail in the street similar to that opening there (indicating), which was large enough to receive a cork, would there be danger of 2203 your horses corks and toes getting caught in them? A. That would depend upon the size of the opening; if the opening was such that it would hold the shoe fast and it could not be relieved, there would be danger; if there was play enough then there would not be trouble. Q. Would not the heels be liable to catch? A. It would depend upon the size of the opening. Q. If the opening was such as to receive a cork it would be very dangerous? A. Yes, it would pull the shoe off. Q. And that violent wrenching of the shoe of the horse would be dangerous to the horse? A. Yes, sir; certainly.

By Mr. Everts:

Q. You say that you take a street in Winter with a railroad track on it in preference to another? A. Yes, sir. Q. For what reason? A. For the reason

that they are cleared away and we can make much better time with the immense load we carry. Q. Then you mean in time of snow in the Winter time? A. Yes, sir.

Q. And that is the time you seek them because they are clear? A. I will give you an instance, my dear friend; I am located in Murray Street, and even if I were going up Broadway to this point I would go down Church Street to Park Place, and through Park Place to Broadway, instead of attempting to go through Murray Street; that block from Church Street to Broadway in Murray Street is in such a terrible condition I could not get through without breaking my wagon probably and losing a good deal of time in trying to get through with the horses and wagon, &c., on the block, and I can do far better by going down a block through Church Street and through Park Place on a railroad track and getting to this point quickly and save my horses and make better time. Q. But does your supposed case relate to any particular time of day? A. Nights we can do better than days; the cars are not so numerous nights. Q. Less traffic at night, and so the streets are less obstructed? A. Yes, sir. Q. Is it not true that moving in and out of a railroad track, which I understand you is necessary because of the horse cars that are approaching you or following you—is it not true that that makes delay as well as is dangerous for the safety of the wagon? A. Well, yes, but as a rule the car-drivers of these city cars stop and give us an opportunity to swing out and swing in as quick as we possibly can. Q. But if there is a truck alongside, between the curb and the track, how then? A. We would not attempt to turn out then, my dear sir. Q. That would stop you, would it not—that would delay you? A. Yes; but I do not presume the driver would stop and give us no opportunity to pull out at all. Q. In case there is no snow do you prefer a street with a car track or one without a car track? A. A good clear road I would sooner have—a well-paved street—we can do better than we can on a car track. Q. You think it would be of advantage to the service of the Fire Insurance Patrol to have a double track railroad in Broadway from the Battery to Fourteenth Street? A. No, sir; I do not think it

2207 would be to their interest to have any track in Broadway. Q. Would it not impede that service in your opinion? A. No. Q. You don't think it would affect it one way or the other? A. If you had a railroad on Broadway would it impede it? Q. Yes. A. I think it would. Q. It would impede it some? A. Yes, sir; if there is to be one there—that was my former remark. Q. I say if there should be one there, would it not impede the service of the Fire Insurance Patrol? A. Probably it would to a certain extent at times. Q. It might very seriously in case of a block—are not street-cars liable to be blocked in that street? A. They are all liable to be blocked. Q. You would prefer, for the interests of the service of which you have charge, to have
2208 Broadway without a railroad track? A. Yes, sir.

By Mr. Bright :

Q. Suppose if you were with your machines at the easterly end of Twenty-third Street—or let me ask you this—to-day is an open day in all these streets? A. Yes, sir. Q. Streets are not obstructed by snow or ice anywhere now? A. No, sir. Q. Supposing you were at the easterly end of Twenty-third Street with several of your machines and an alarm of fire was given at the westerly end of Twenty-third Street between, say Twenty-third and Twenty-fourth Streets, at the ferry, and you wish
2209 to go there immediately, how would you go? A. Twenty-third Street directly. Q. You would have no hesitation about it? A. No, sir; take the car track right over; that is the track on which the cars are going in that direction. Q. It would not occur to you to take any other street than Twenty-third Street? A. No, sir; I do not think it would to any fireman; with the few turn-outs we would have to make we would make better time; it would be decidedly to our advantage to go that way—but going in the direction the cars are going.

By Mr. Evarts :

Q. What are these wagons which the Fire Insurance Patrol drive as to size and character generally? A. Well, they are wagons loaded and fully equipped, weighing about eighty to eighty-two hun-

dred, with waterproof covers and implements— 2210
brooms, axes, fire extinguishers, shovels, lamps, &c.,
and all that thing, eighty to eighty-two hundred.

Q. How many horses? A. Two horses. Q. And
they are used solely, as I understand you, for the
purpose of conveying men and covers, &c., to a fire?

A. Used in the interest of the underwriters en-
tirely. Q. To carry such things? A. To carry such

things in the interest of the underwriters, and to
protect property in every shape. Q. You have good

horses? A. Endeavor to have. Q. Able to carry

a load? A. If you will take a ride with us, my dear
sir, I think I would convince you of that.

Mr. Bright: If you will insure safety, we would
like to do it. 2211

The Witness: I would not guarantee that even.

By Mr. Fuller:

Q. How much do you think your loads weigh? A.
Eighty to eighty-two hundred; up town they are
lighter, for the reason that the covers are lighter and
the men are lighter; there are not so many men.

By Mr. Adams:

Q. You drive one horse? A. Myself? Q. Yes. A. I
generally go with the wagon; right on the tail of the
wagon; that is where I say I have met with several
injuries. Q. A good many of the captains of the Fire
Department do ride that way in a carriage with a 2212
single horse? A. Yes, the Chief of the Battalions.

Q. This (pointing to upper cut on chart on wall) is
a sketch of the road they are building in Tenth Ave-
nue? A. Yes, sir. Q. This (pointing to lower cut on

said chart) is the construction of the United States
Railroad and Sub-way Company; the former has

these two raised rails and this thing in the middle,
while in ours you have got the whole distance across

and you haven't got that thing in the centre, as in
Philadelphia and San Francisco; do you think that

it would be better to have a road like that without
that centre thing in? A. I think so. Q. You will

drive on Tenth Avenue some day and find out? A.
I don't think we will get up there very soon.

2213 *By Mr. Bright :*

Q. You think that system of a cable with a middle slot is very objectionable? A. On the upper drawing there? Q. Yes, sir. A. Yes, sir. Q. As compared with the other? A. I think the one with the two rails and that thing in the centre would be harder on the wagons and horses and more objectionable. Q. That is, the upper one? A. Yes, sir. Q. That has the worst rails and the worst slot? A. Yes, sir.

By Mr. Fuller :

Q. Are you aware that the slot is the same size as the others? A. Yes, sir.

2214 JOHN CORNWELL, called as a witness on behalf of the parties represented by Mr. Adams, being duly sworn, testified as follows:

By Mr. Adams :

Q. You are a resident of New York? A. Yes, sir. Q. For how many years? A. Little over fifty. Q. What is your occupation at the present time? A. I am a contractor at the present time. Q. In what line? A. Water-pipes, sewers, &c. Q. Laying water-pipe for the City? A. Yes, sir. Q. You are particularly familiar then with all the streets of New York? A. Yes, sir. Q. What business were you formerly employed in for a good many years? A. I was Superintendent of the Fire Patrol for a number of years. 2215 Q. For a number of years? A. Yes, sir. Q. You know all the streets in New York then—you are familiar with them? A. Yes, sir. Q. And with the railroad tracks upon the streets? A. Yes, sir. Q. When you were Superintendent of the Patrol would you travel in Broadway when you were going to a fire? A. Most generally. Q. Always when you could? A. When it was not far out of the way. Q. You think it would be objectionable to the Department from your experience and to the general traveling public or vehicles to have an ordinary horse-car track on Broadway? A. I do, sir. Q. If there is to be a railroad built on Broadway—whether it is to be a horse railroad or one similar to this construction—which do you think you would prefer? A. I think a railroad without a track on the street would be preferable. Q.

Why so? A. In the first place, there would not be so much danger of people being run over and people being hurt in case of fire; I have seen the whole back platform of a car taken off by a fire apparatus trying to get off a track; generally they sing out and the car will stop and let you go by quick, but sometimes the wagon may swing; sometimes when we wanted to get through the worst we would get stuck the worst, and in swinging we might strike the tail end of the car. Q. Do you know of many accidents happening that way? A. Yes, sir; I have been thrown off two times. 2216

Mr. Adams: I will say that this paper I have in my hand is a certified copy of the Articles of Corporation of the Broadway, Lexington & Fifth Avenue Railroad Company; that is why I appear here in opposition to the granting of the petition, in that there was a separate company from this United States Cable Road and Sub-way Company; I am interested in both of them; it is this road—the Broadway, Lexington & Fifth Avenue road—that I am here for now. 2217

Commissioner Harris: Under what Act is this Broadway, Lexington & Fifth Avenue road organized?

Mr. Adams: Under the Railroad Act of 1884.—May 6th, 1884. The Articles of Association of this Broadway, Lexington & Fifth Avenue Railroad Company were filed on July 5th, 1884. This is a certified copy from the Secretary of State, and the petition before the Board of Aldermen was made on the 6th of August, for these three routes—the Broadway route from Fourteenth Street, then east on Fourteenth Street to Fourth Avenue, and on Fourth Avenue to Sixteenth Street; that is one. Then the second one is from Fourteenth Street through Irving Place to Gramercy Park and up Lexington Avenue to the Harlem River; that is No. 2. Route No. 3, is the branch through Sixtieth Street from Lexington to Fifth Avenue; through Fifth Avenue and round Mount Morris Square to the Harlem River, giving a continuous ride for five cents; going to the Harlem River at two points. 2218

Commissioner Harris: Up Fifth Avenue?

Mr. Adams: Yes, up Fifth Avenue, and the other up Lexington Avenue, and it is specified here

2219 in that corporation that the road is to be built on the system owned and controlled by the United States Cable Road and Sub-way Company, and it specifies just what we are going to do with that road—that that road is to be built on the system owned and controlled by the United States Cable Road and Sub-way Company. Now, in that there is nothing said as to what the motive power is to be at all.

Commissioner Harris : Does your charter include Broadway from Fourteenth Street down to the Battery ?

Mr. Adams : Yes, sir, that is Route No. 1.

2220 *Commissioner Harris :* You have not any consent of the Board of Aldermen ? A. We have not ; because on August 6th, when we made this application to the Board of Aldermen, that day they passed the first gift to the Broadway Surface Railroad Company, and that was vetoed by the Mayor, and we all know about that. And then they made a re-application for the same franchise which was afterwards granted, so that there is no use of our going there any farther until this matter is decided before these Commissioners, and that still remains—that application—in the Board of Aldermen and was referred to the Railroad Committee ; but at the same time we can have it brought up here.

Mr. Bright : This statement, I suppose, is considered as evidence.

2221 *Commissioner Harris :* Yes, sir.

Mr. Bright here examines Mr. Adams as follows :

Q. Mr. Adams, have you any consent of property-owners for the construction of any road under your organization, in any street ? A. No, sir ; never made any application for it all. Q. And of course then you are not under the jurisdiction of any Commission ? A. We are ; we have an application made at the same time your application was made before the Court, and our counsel appeared before Judge Davis, and at the time of the appointment of the Commissioners he said that he would appoint but one set of Commissioners ; he said that to Judge Lord at that time. Q. Have you made any application to the General Term ? A. Our attorney was there at the General Term, and Judge Davis said he would appoint but one set of Commissioners who would hear

everything. Q. Have you given the notice required 2222
by the statute or required by the General Term ?

A. I cannot say. Q. You do not know about it ? A.

No, sir; I cannot say. Q. This conversation you
referred to as having occurred between Judge Davis
and Mr. Lord—where did it occur ? A. It was in

Court the day your application was made. Q. But
it was upon no legal or proper application for the
appointment of Commissioners. A. I could not say

anything about that. Q. You do not claim that it
was ? A. I do not know, sir.

Q. You are not yourself a lawyer ? A. No, sir ; I
am not. Q. Is this system of railroad in use any-

where in the world. A. No, sir ; I am the patentee,
or at least the principal one. Q. If the Broadway 2223

Surface Railroad should be fortunate enough to ob-
tain the right to construct this road in Broadway,
and yours is the best system, you would be quite
willing to sell the right to that company ? A. I
would sell it to them for whatever these Commis-
sioners should say was right ; whatever they should
say was right.

Mr. Fuller : Are you aware, Mr. Adams, that this
Broadway Surface Railroad Company have talked
about adopting some three or four different systems
from the horse railroad, and never have adopted
anything but the horse railroad system ? A. I do
not know ; they are entire strangers to me ; I do not
know anything about them at all.

2224

NEW YORK, February 11, 1885.

GEORGE W. WALLING, called as a witness on be-
half of the City, being duly sworn, testified as fol-
lows :

By Mr. Wickes :

Q. You are, and for a number of years have been,
Superintendent of the Police Department of this
city, have you not ? A. Yes, sir ; since the 23d of
July, 1873. Q. As superintendent do you receive
reports and are you familiar with the working of the
Department in all its parts ? A. Yes, sir. Q. You
are familiar with the ordinance in relation to the
use of snow-plows and sweeping machines by rail-
road companies ? A. Yes, sir. Q. State what efforts

2225 have been made to enforce that ordinance and with what result? A. There is an ordinance that forbids sweeping machines and snow-plows without the consent of the Mayor, and as the Mayor at one time refused to authorize them unless the railroad would agree to cart away the snow, we endeavored to enforce it; the Common Council afterwards passed another resolution, directing us to enforce it; we attempted to enforce it and the railroads got out a preliminary injunction, and on an argument held it was made permanent, and I think by all the railroads, or a large part of them, we are now enjoined from interfering with their using the snow-plows, sweepers, &c.; of course there are some few of them
 2226 that did not take out injunctions, but as that had been decided of course they had a right, in the most expeditious way, and at the least expense to themselves, to clean away the snow; they had a right to use them, and we were enjoined from enforcing the ordinance. Q. Mr. Walling, the operation of a snow-plow after a snow-storm causes piles of snow to be raised up along the side of the track where the railroad runs, does it not? A. If there are two tracks, it throws the snow over the tracks and over between the tracks on each side—between the track and the curb.

Q. That makes a continuous mound of snow as long as the track is, doesn't it? A. It depends
 2227 upon the depth of the snow, of course, and of course it fills the gutter, and persons being required by law to clear the sidewalks of snow, they throw it out, and frequently there is a strife between the railroad people and the people who clear the sidewalk; they throw it out on the tracks in the narrow streets and the railroad people throw it back again. Q. Have you ever known of streets being made impassable on this account, except on the tracks themselves? A. Some narrow streets; yes, sir; it is almost impossible for a vehicle to get along on the sides when there is a deep snow. Q. Have you ever received complaints on account of such piling up of snow? A. Yes, sir; more especially on the cross streets; we receive the most complaints from there. Q. Complaints that vehicles cannot approach the curbstone in safety? A. The most complaints are from the residents; we have received complaints rel-

ative to vehicles not being able to back up or drive 2228
up in front of residences. Q. Have you entertained

complaints as to the use of sweeping machines, as
to slush, &c.? A. I have had a number of com-
plaints as to that, especially in reference to slush,
when it has thawed, and the like, throwing the mud
and snow on the sidewalks and steps and fronts of
the houses and on the windows—that especially is
relative to narrow streets. Q. When the sweeping

machines are run or operated toward nightfall, in a
Winter afternoon, what frequently happens? A.

Well, if they are used toward night and the slush
and snow thrown upon the sidewalk, then there
should come a cold snap and that freeze upon the
sidewalks, of course it would make the sidewalks
slippery, and this dirt, &c., thrown upon them, if 2229
it freezes, of course you know how that would be.

Q. Mr. Walling, about a railroad in Broadway—is
there any use to which Broadway has been put, and
is being put every year, which would be interfered
with or perhaps destroyed altogether in case of a
double track road being built on Broadway? I refer

to parades. A. Oh, yes; so far as that is concerned;
processions or parades; there is no doubt at all in my
mind that any track at all on Broadway on the sur-
face would prevent it being used for processions or
parades. Q. Why would it prevent it? A. Because

there is a law prohibiting any procession or parade
to march on a street where there is a surface rail-
road—march on the tracks—and of course with a 2230
double track there would be cars going both ways,

and of course they could not be turned off, and the
procession would have to break and pass around,
and when they came to the next car they would
have to do it again; they are especially forbidden to
march on the track—that is prohibited—and when-
ever persons come and give notice of a parade or
procession, one of the first things we do, we notify
them that they must not march on the tracks as it
is a violation of law, the railroads having the right
of way; the law not only prevents processions or
parades on the tracks, but it likewise prevents any
procession from interfering with them where they
cross a street; it requires the procession to hold and
let the cars pass, or part of it; the railroad people
do not object to being halted a few minutes, and

2231 when there is a break or any opening we have a policeman to pass them through each way, and several cars will follow each other; but in marching, for instance, if there was a procession going down the Bowery we always notify them that they must take the right-hand side and must not march on the track, for it is expressly forbidden by law—the law of 1872.

By Mr. Bright:

Q. There is plenty of room in the Bowery on either side of the track for ordinary processions? A. I think there is; I think there is, for ordinary width. Q. Ordinary processions? A. Yes, sir. Q.

2232 Also plenty of room for trucks? A. In an ordinary, general width procession, yes; the general width of processions would not interfere with the trucks; I am confident there would not be enough room on the Bowery, for instance, when some of the regiments march company front or even less; there would not hardly be room enough for us to march down the Bowery on the right hand side going down, or the right hand side coming up; I do not think there would be quite room enough, for we take nearly the whole width of Broadway; our ordinary twenty-five front with the two guides generally fills Broadway. Q. But still, for ordinary processions there is room enough? A. Oh, yes; there is room
2233 enough; some occupy only four or eight abreast; but military processions, where they are anywhere like good sized regiments, there would not be room; there would not be room enough for our processions, for instance, although we do not march as they do, of course; but that is my impression; there would not be room for us, full company front.

Q. No, I presume there would not be; now, referring to the same street, the Bowery, is there plenty of room on both sides for trucks and ordinary vehicles to pass back and forth? A. Yes, sir; I think there is. Q. Outside of the tracks? Yes, sir; I think so. Q. So the Bowery, and Fourth Avenue, and New Bowery are not streets on which blocks occur to any great extent? A. No, sir; I don't know of any occurring there except when—— Q. No, no; I spoke of ordinary traffic? A. Well, no, sir; not much there; I think at Canal Street and the Bowery

we have to keep a policeman there to prevent any 2234
blockade there at all times. Q. So you find the

truckmen require a little supervision? A. Well, all
vehicles, I think, require a little supervision as far as
that is concerned truckmen as well as others—

Q. I wouldn't like to speak of stages because Mr.
Andrews is here. A. No, I don't think Mr. An-

drews is here. Q. Is it not a fact that the imposing
parades at the present day are more disposed to seek
the upper streets, such as Fifth Avenue and Madison
Avenue, rather than Broadway? A. No, sir; I

think Broadway mostly. Q. Is it not true that the
great parades of the Seventh Regiment are very apt
to include now Fifth Avenue? A. Well, they do;
the last few parades that they have had they started 2235
from above and came down—for the last two or
three years probably; but Decoration Day, &c.,
they come down Broadway. Q. How many parades,

leaving out of mind the political demonstrations
which may possibly occur once in four years—but
leaving them out of view, how many parades do you
recall on Broadway within the last six months?

A. Within the last six months? Q. Yes. A. Very
few; a good portion of that time has been such
weather there would not be many parades. Q. The
street has been almost wholly free from snow, has it
not? A. Well, there has been but very little snow,
comparatively speaking. Q. For the last twelve

months how many considerable parades do you re- 2236
call in Broadway? A. Oh, some half-dozen prob-

ably; I haven't thought of it until this moment; I
could hardly tell you from my recollection exactly
how many had taken place. Q. These were mere

parades which were not for any public purpose, ab-
solutely necessary, were they? A. Well, one of

them was our parade, the police parade. Q. That I
will recognize as important in every way—the exhi-
bition of the police force. A. Well, then the 17th

of March is another parade; they have a parade that
takes up considerable of Broadway. Q. You speak

of the St. Patrick's demonstration? A. Yes, sir.

Q. Then is not that about all you recollect within the
year? A. I think there were some others, some little

parades, some going down Broadway when they were
going away; and then there have been some visiting
organizations that have been met below and have

2237 been escorted up by the military. Q. Leaving out of view the police parade and St. Patrick's parade, are there any that you recognize as being necessary for any public purpose? A. Except the visiting regiments or the visiting military organizations here and which were received by other military organizations.

Q. And you recognize no public necessity except as you have stated it? A. Just as I have stated it.

Q. And in reference to the St. Patrick's parade, is it not true that they habitually include railroad streets in their route? A. Well, no, sir; oh, no; not habitually, because I know when they have come there sometimes we have persuaded them to take other streets in consequence of its being an obstruction; but there are some of the streets that they insist upon going through that there are railroads on.

2238 Q. That is my point; there are railroad streets which, owing to the composition of the parade, they desire to visit? A. Yes, sir.

Q. Perhaps their neighbors and friends happen to be in streets remote from Broadway, which happened to have railroads where they desired to go, notwithstanding the railroads? A. I think they have the last two or three years come down Centre Street, which has a railroad on.

Q. You wouldn't feel it indispensable to give up a railroad in Broadway, if it is a public necessity, on account of either of the parades you have spoken of? A. I don't know about the public necessity of it.

2239 Q. You wouldn't even recognize that? A. I say I am not prepared to answer; I am not prepared; I have not thought of the question at all; I had no idea about being called until a few minutes before I was subpoenaed. Q. Your views have been very useful, captain? A. Yes, sir.

By Commissioner Harris:

Q. Do you give the permits for processions? A. There is no such thing as giving a permit; the law is this—that if you give us six hours notice we have no right to refuse them, and neither have we a right to refuse them permission to go through any street they choose to designate if they give us six hours notice; if they give us six hours notice we have no power; there is no prohibition of parades except on Sunday; on Sunday parades are pro-

hibited, except funeral processions; they can have 2240
 only funeral processions on Sunday. Q. Upon
 whose authority are the stages and vehicles cleared
 off of Broadway when there is a procession up or
 down town? A. Well, they are turned off by us.
 Q. Suppose that on Broadway there was a proces-
 sion to-day, and that there was a railroad on the
 street and you cleared out all the vehicles on both
 sides of the track, the procession could march up
 along the street, except in the centre, could it not?
 A. Yes, sir; but if they were marching full com-
 pany front, taking up the full width of the street,
 they would have to break whenever they came to a
 car; otherwise we could turn off the vehicles the
 same as we do now, certainly; of course we can't
 turn off the cars. Q. If you turn off the vehicles 2241
 the procession would have the space on each side of
 the tracks that the vehicles have now? A. On each
 side, yes, sir; and, of course, if you only march—I
 don't know exactly what space these two tracks
 would take up, but whatever it did take up, on each
 side it would be free; I think they could march
 there probably eight front on either side, in going
 up; there would not be quite so much trouble with
 vehicles going the same direction; but a procession
 is expressly forbidden from marching upon the
 tracks. Q. How much width would eight front
 take? A. About sixteen feet; it depends a good
 deal upon the size of the men, too, that does; of 2242
 course they march with the elbows touching, or at
 least should do so—light touch of the elbow.

By Mr. Wickes :

Q. It would be impossible, if I understand you, to
 to have such a parade as we have on Decoration
 Day on Broadway? A. Oh, you could not under-
 take to march company front or platoons. Q. It
 would be impossible to have such a parade as oc-
 curred when Commissioner Nichols, of the Police
 Department, was buried—that is, to march as the
 police did then? A. We could not march as we did
 then, we would have to march four or eight front;
 I don't know what space would be on each side, but
 possibly we could march eight front, or if not eight,
 why, then four, because it would not be military to
 march six. Q. There would not be any longer

2243 marches from curb to curb? A. They could not without breaking; they could not without breaking at each obstruction; we sometimes have to break now where there is building going on, and whether it is on the right or the left, we have to break files from the right or left, the width of the obstruction, and as soon as we pass it we come in line again.

By Mr. Bright:

Q. You would expect the cars upon an imposing occasion, or one of public importance, to make concessions to any procession, wouldn't you? A. Well, they would make concessions where they cross, but they could not make concessions very well where they were meeting processions, say the whole
2244 length, unless they ran their cars not so often. Q. Wouldn't your experience lead you to think that they would make every possible concession upon a very important and imposing occasion? A. No, sir; my experience shows that they demand the right of way and demand that we place a policeman there; and sometimes some of them insist upon going through, sometimes to a great deal of annoyance, especially at Twenty-third Street and Broadway and Fifth Avenue, where there are so many lines of cars. Q. I presume that is not upon such a case as I refer to? A. Oh, no, sir; they have there somebody connected with the railroad, and having the law with them, they are all right. Q. Having the law with them, they have the police
2245 with them? A. They have to have; we have to obey; we get them to give as much as we possibly can, but when they insist upon it we are obliged to, because it is law.

Q. The other day, at the demonstration of the reception to Mr. Blaine, didn't the Broadway Railroad suspend its travel, out of respect? A. I was not there, but I think there was a large number of cars. Q. Isn't it true that they suspended—the Broadway and Seventh Avenue suspended their travel in deference to the public exhibition? A. I don't know, sir, I wasn't in there; I was not present. Q. Didn't you hear so? A. No, sir, I didn't. Q. I witnessed it. A. Well, of course you know then. Q. I supposed you knew it. A. No, sir; but I do know in large processions like that a great number of cars

accumulate, and, of course, they have men there and 2246
 would pass them through; I will say, so far as that
 is concerned, that the Broadway Railroad Company
 —that is, the present Broadway Railroad Company
 —never have insisted upon going through except
 when there were breaks and where we would pass
 them through each way, up or down, say a dozen cars
 each way, and as quick as we could, and then hold
 them again; but I find a difference between the
 railroads. Q. You have found the Broadway and
 Seventh Avenue Railroad Company exceptionally
 courteous? A. Well, I call it the Broadway and
 Seventh Avenue Railroad Company. Q. It is le-
 gally named the Broadway and Seventh Avenue
 Railroad Company? A. Yes, sir; I never remember
 of their insisting upon their rights to go through at 2247
 all times and under all circumstances. Q. You
 observed very considerate conduct on their part
 always? A. Yes, sir; and some other roads, too.
 Q. I spoke particularly of that road? A. Yes, sir;
 that is so. Q. Has it been your observation that
 that road is an exceptionally well operated road?
 A. Well, I don't travel on it much; so far as the
 operation of it is concerned, so far as I have ob-
 served it, they appear to run their cars very regu-
 larly, &c. Q. And so far as you know, are the equip-
 ments and the conduct of the drivers and conduc-
 tors always commendable? A. Never saw any-
 thing to find any fault with, whenever I have trav-
 eled on it, at all sir.

2248

By Mr. Evarts :

Q. How long, Mr. Walling, have you been con-
 nected with the Police Department? A. Since the
 22d day of December, 1847. Q. In various posi-
 tions? A. Yes, sir. Q. And you are familiar with
 the workings of the Department from that time?
 A. Considerably so. Q. And how long have you
 lived in the City of New York, Mr. Walling? A. I
 have lived in New York City, to make it my per-
 manent residence, since about 1845; I was here
 temporarily off and on a short time before that.
 Q. From that time on you have been familiar with
 the city, and the traffic in its streets, and with
 Broadway? A. Considerably so, yes; I was stage
 inspector for a number of years in Mr. Matzel's time

2249 from the latter part of 1848—from the latter part of 1848, or the beginning of 1849, until 1853; I was stage inspector during that time; no, I am wrong; it was in 1849; I was at the Police Board for a short time; it was the latter part of 1849—from the latter part of 1849, I think, that I was stage inspector; I can't tell the exact date. Q. There is what is known as the Broadway Squad, is there not? A. Yes, sir; there is now. Q. When was that instituted? A. Well, I can't tell you the exact date of that; it is known as the Twenty-fifth Precinct; the Twenty fifth Precinct is commonly called the Broadway Squad, and has been so called for a number of years; I can't give you the exact date when it was instituted; I could have easily answered all these questions if I had known that you were going to ask me them. Q. Of what do its duties consist, and for what purpose was it organized? A. Its duties consist of regulating vehicles on Broadway, stages, &c., and conducting foot passengers over and seeing that they are not injured by stages and other vehicles. Q. And where are its members stationed? A. Their station-house is in Twenty-ninth Street, between Fourth and Madison Avenue. Q. And when on duty, from what point to what point are they stationed? A. On duty they are stationed from about the Bowling Green up to about Thirty-fourth Street. Q. Do they extend up as high as Thirty-fourth Street when on duty? A. Yes, sir; all the way along Broadway; well, I say all the way on Broadway; there are men stationed at the most prominent parts; there is not a man on each corner, but they are on such corners as Fulton Street; at Fulton Street there are two, one at Cortlandt Street Grand Street, Chambers Street, Jersey City Ferry, one at Barclay Street, one, as I say, here at Chambers Street, and so on up; one at each railroad crossing at Canal Street, and so on up; one at Broadway and Fourteenth Street, and then at University Place and Fourteenth Street, and so on up Broadway.

2251

Q. Why was this Broadway Squad organized? A. It was organized to regulate vehicles, which it does, and to protect foot passengers; to see that ladies, especially, are assisted across the street, and old

persons. Q. Did it or not become necessary because of 2252
the increase of travel on Broadway? A. We thought
so, or we should not have established it; and we
think so still. Q. Has the traffic on Broadway in-
creased very much within the past thirty years? A.
Oh, yes; all vehicles, except stages, have increased
in a very large proportion. Q. Can you give us,
within a year or two, the date when the Broadway
Squad was organized? A. Well, I can send it to
you in a very few minutes when I get back to the
office; I can send you the date of the resolution that
established it, but I would not like to answer it from
memory here because I had not thought of it at all.
Q. Do you think it was before 1870? A. Yes, I
think it was; but there were not as many men then
on the squad as there are now; I can give you the
exact date when I get back to the office; I can give 2253
you the date when the Broadway Squad was organ-
ized. Q. Will you send it down through Mr.
Wickes? A. Yes, sir; I will telegraph it down to
the Twenty-sixth Precinct and they can bring it over
here. Q. Have more men been placed on duty on
that squad since it was first organized? A. Yes, sir;
we have extended them further up town, as business
increased and as the city was built up, according as
the necessities of travel seemed to demand it. Q.
And are they kept pretty busy regulating traffic on
Broadway? A. I think they are very busy. Q.
Has the traffic on Broadway increased since that
squad was organized? A. Oh, undoubtedly. Q.
In what proportion? A. Oh, you ask me a ques-
tion I have not thought of; nor have I had an op-
portunity to think of it, or to make any estimate in 2254
relation to that; you ask me a question I have not
thought of at all or prepared myself on; I have not
thought of it or made any estimate about the pro-
portion of increase; but there is no doubt of its be-
ing increased largely as the city has increased, or the
business of the city has increased; if you can tell
me how much the business has increased of the city,
you would know about it yourself. Q. Traffic on
Broadway depends very largely upon the amount of
commerce that is going on, does it not? A. All de-
pends upon that, of course; of course, as I said, the
stage travel has decreased since the surface railroads
were built; since the surface railroads and elevated
roads were built that has fallen off. Q. Certain lines
of omnibuses have been discontinued? A. Oh, yes;

2255 a number since I was stage inspector ; a great number ; there are only three lines left now, and there was a larger number then, not only on Broadway but on other streets—the Bowery and East Broadway, for instance. Q. You have stated, Mr. Walling, that you could clear all the vehicles except street cars from Broadway, if street cars were running there, in case of parades ? A. Yes, sir. Q. Could you clear Broadway as easily if street cars were there as you could do it now ? A. We could not clear it of the cars. Q. No, I mean of other vehicles ? A. I don't see any difference why we could not turn them off then as we do now ; we send mounted men ahead and we have men at different streets and they turn off at our order, and I don't see that that would make any difference.

2256 Q. They could turn them off into the side streets each way ? A. Yes, sir ; we turn them off on to the side streets now. Q. But you don't do it on the occasion of every parade—turn them entirely out of the street ? A. Certainly not ; it depends upon the width they are occupying ; if in a civic procession they only desire to march four or eight abreast, we have them march on the right of the street, and then vehicles can go by ; it depends altogether upon the parade—what the parade is and how much street they want to occupy ; military processions generally want all the street ; civic processions don't usually ask for all the street, sometimes they do, but seldom. Q. Would, in your opinion, a double track horse railroad on Broadway, between the Battery and

2257 Fourteenth Street, be detrimental to the public interests so far as travel in this city is concerned ? A. Well, sir, that I don't know ; it depends a great deal upon the track and how it is laid ; I could tell better after it is laid ; there are some tracks that are laid that are detrimental to vehicles in crossing ; some tracks are laid so that light vehicles especially, unless they cross them almost at right angles, will catch the wheels and swing them around ; if you will try it you will see ; and so with heavier vehicles loaded, if they don't cross at right angles—for instance, the track is running here (indicating), and they don't cross it this way, nearly square across, it will swing the hind wheels especially, and it makes it hard on vehicles. Q. You have got to cut a track pretty carefully ? A. Well, there is a good deal of

difference in tracks too, a difference in the rails that 2258
 are laid. Q. The rail in common use to-day by street
 car companies in this city is different from what was
 formerly employed, is it not? A. Oh, yes; a great
 difference from the old track; it is easier to cross
 now the way some of them are laid now; the way
 some tracks were laid like the Fourth Avenue when
 it was first running, that was laid in such a manner
 that the rails were considerably like the rail on which
 locomotives run in the country, and of course it was
 almost impossible to get out of the track when once
 you got into it, if your vehicle was the same width
 that the track was; if you got in it was pretty hard
 work to get out of it, and if you wanted to cross it
 you would have to cross it as I said before, almost
 at right angles. Q. They, in fact, for the whole dis- 2259
 tance, use the ordinary T rail of the steam railroads?
 A. Yes, sir. Q. But that was the only line that used
 that rail, wasn't it? A. I think so; I think there
 were some others that used a rail, not so bad, but
 some of the tracks now laid are better. Q. Do you
 know what the character of the present rail is, Mr.
 Walling; is it not a T rail, so called? A. What
 is that? Q. The ordinary street car rail of to-day?
 A. I think not; I think it is a track where the wheel
 runs in a groove; in the others the wheel runs on
 the top of the rail, and that raised it up, and the
 wheel would run on top of it with a flange running
 inside; now, I think that the wheels of some of them
 run in a groove—in some of the railroad tracks; I
 saw some like that; I don't know whether they are 2260
 using them now or not; I have not examined them
 particularly.

By Mr. Bright:

Q. Captain, the lower part of Broadway is occu-
 pied to what extent by offices? A. The lower part
 of it? Q. Yes, sir, below Chambers Street; is it
 true that Broadway below Chambers Street is given
 up almost wholly to offices of various kinds? A. To
 offices? Q. Yes, sir. A. Oh, I thought you were
 speaking of officers; I was counting up about the
 number of officers. Q. No, no, offices. A. Oh, yes,
 I believe that is so. Q. There are very few mercan-
 tile houses or warehouses below Chambers Street,
 but Broadway is mostly taken up by banks, insur-

2261 ance companies, lawyers and other offices? A. There are some others, as gun-smiths, and segar stores and other places. Q. And yet, would you say as a general thing, the occupants of the houses below are— A. Oh, the majority of them are not mercantile; I am speaking now of the ground floor only; the large majority of course are offices. Q. Do you mean substantially the whole of it with here and there an exception? A. No, I think probably from Chambers Street to Wall Street at least one-tenth is given up to mercantile business; I am speaking of the first floor—even with the sidewalk—the first floor; I am only judging now from my recollection as I walked down, and my thinking of the different places that I know, such as segar stores and places of that kind, cigar stores and gun stores, and Jennings the hatter, and other places of that kind that I happen to be thinking of now.

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Q. That is what you mean by mercantile places? A. Yes, sir; that is what I mean by mercantile places; I don't mean large warehouses, I mean places on the first floor, right off from the sidewalk; places of that kind. Q. Then the kind of traffic that is carried on—mercantile traffic—that is carried below Chambers Street is of a light character? A. Yes, comparatively speaking. Q. In respect to bulk and mass light rather than heavy like dry goods? A. Oh, yes; I don't know of any heavy business carried on below there; yes, I guess there are one or two safe places; there is one safe place I think of now; I think there is one safe place there; that would be heavy. Q. You have spoken of the disappearance of the stages to a large extent—is it not a fact that serious blockades are less frequent in Broadway now than they were fifteen years ago? A. I don't know that there has been much decrease. Q. Are they less frequent now than they were then? A. No, I don't think they are; I think that the traffic has increased more now than it was fifteen years ago; I think that there are more vehicles at Fulton Street and Broadway, and as the streets are the same width I think there would be more liability to blockades now than there was then. Q. Do you recollect the time the iron bridge was across Fulton Street? A. Yes, sir. Q. Were there not more blocks at that point then than there are now? A. Well, now, I don't

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know ; we have had to place two policemen at Ful- 2264
 ton Street now, when we had but one then, to keep
 them from blocking ; I think that there is more
 traffic now than there was then ; I haven't any doubt
 about it at all ; more vehicles cross there at that
 point now than there were then, and of course more
 foot passengers ; but very few used to go over the
 bridge, and of course it requires more attention from
 the policemen there now to attend to the foot pas-
 sengers, &c. ; now I should think that the obstruc-
 tion was greater now than it was then ; that is my
 judgment. Q. When I speak of a blockade, I mean
 the total interruption of passage by the aggregation
 of vehicles of various kinds ; do such blockades fre-
 quently occur now on Broadway ? A. Not very
 frequently, because we have, as I said before, two 2265
 policemen there all the time, although there are
 blockades there at times for short times ; that is, the
 vehicles have got to stop, but not to any great ex-
 tent, I think ; I am down that way once or twice a
 week. Q. Then you find no tendency to block at that
 crowded point that makes it necessary to have the
 assistance of more than two policemen ? A. Well,
 that is all that we have there now ; I think that is
 about enough. Q. And you find that they secure
 substantial transit ? A. Well, there is considerable
 blocking there notwithstanding the two policemen ;
 that is, I don't mean a total blockade, a blockade is
 one thing—that is to stop all movements—and an-
 other is to impede travel. Q. I think you interpret
 my word blockade as merely crowded ; I mean stop- 2266
 page ? A. Well, I presumed you meant a total
 stoppage.

Q. Yes, sir. A. Well, a blockade, I don't think,
 occurs very often—a total stoppage, if that is what
 you had reference to ; if you mean by a blockade
 merely impeding travel, and going slow and stop-
 ping, for may be a few seconds or a minute, why of
 course the policemen in a short time raise the block.
 Q. They have no trouble in dealing with the crowd
 they find, do they ? A. Not generally ; generally
 the persons who have large vehicles obey their
 orders ; if they didn't we would take them off.

By Mr. Erarts :

Q. Since the Broadway Squad was commenced,
 haven't the police gained skill by their experience

- 2267 in regulating traffic on Broadway ? A. Oh, certainly; what is more, they get, after being there a great length of time, to know the drivers, and of course, we have men that are determined, that we place there; if we should put new, green men there they couldn't do near as well as these men that have been there a great length of time. Q. Is not, then, the traffic throughout the whole length of Broadway from Fourteenth Street to the Battery better regulated to-day by the police than it was fifteen years ago ? A. Fifteen years ago ? yes, I think so ; we have, in the first place, more men ; and when it was first organized the men were not as skillful in regulating them then as they are now ; there is a great
- 2268 deal in experience, to see what point to go and stop a vehicle and start another one ; there is a great deal in that. Q. Is not the result of that that blockades—total blockades—are less frequent to-day than they were, even with a greater amount of traffic on the street ? A. Well, I don't know when there was a greater amount of traffic on the street. Q. Than fifteen years ago ? A. Oh, there is a greater amount of traffic now ; I thought you said a greater amount of traffic previous. Q. I mean this greater skill that has been attained and the better regulation of the traffic in Broadway in consequence, is not the result of that, that there are less frequent total blockades of traffic even with a greater amount
- 2269 of traffic on the street ? isn't that so, in your opinion ? A. Well, I think in a great measure ; it has a great deal to do with the men that are there, because in this particular point, such as Fulton Street, we take men that we consider specially adapted for that business and detail them there. Q. Are there any other points in the city, Mr. Walling, where men are detailed for the special purpose of regulating the street traffic ? A. Besides Broadway ? Q. Yes. A. Yes, sir. Q. Will you name one or two of them ? A. There is one at the corner of Chambers Street and College Place, right at the elevated station. Q. How many men are there ? A. One man, and there used to be one man there and one at Warren Street, but the man at Warren Street was taken off the first of January ; there is one at the Bowery and Canal Street ; there is one that belongs to the Twenty-fifth Precinct at

Fourteenth Street and University Place; then we 2270
 have some at the ferries; we have two at Fulton
 Ferry, from the sidewalk to the ferry; we have
 one at Liberty Street, at Barclay Street, at
 Chambers Street, at the ferries on West Street; we
 have one at Christopher Street, one at Twenty-third
 Street, and two at Forty-second Street where the
 West Shore road comes in; we have men at nearly
 all the ferries—not all—we have at Grand Street on
 the East River, one man; one at Twenty-third
 Street East River at the ferry, one at Thirty-fourth
 Street, East River, &c.

By Commissioner Harris:

Q. Have you observed the effect of the proces- 2271
 sions on the business of the street? A. Well, it
 impedes trucks and other vehicles when there are
 processions from crossing Broadway, in this man-
 ner: the vehicles that are turned off Broadway,
 many of them, as soon as they get out of Broadway,
 stop, and in a short time the cross-streets get filled
 on each side; and of course it impedes trucks and
 stages that desire to get through, east or west,
 from crossing until the procession passes; but we
 send, so far as our procession is concerned, men some
 distance ahead, and turn them off before the cross-
 streets become blocked; but I have noticed, specially
 when I have been myself with them, that nearly all
 the cross-streets are full of vehicles, so that it is not 2272
 possible for a vehicle to cross until after the proces-
 sion gets past, and it does that pretty generally, sir.

By Mr. Fuller:

Q. What do you think would be the greatest
 public benefit, a railroad on Broadway that would
 carry fifteen or twenty millions of passengers a year,
 or to reserve Broadway as it is, for an occasional
 public parade? A. Well, if it is going to carry fif-
 teen or twenty millions of passengers, I think that
 would be the greatest benefit; I think it should be
 the greatest good for the greatest number. Q. You
 don't think it would be any great public disgrace,
 national or municipal? A. I don't know that there
 would be any disgrace about it either way. Q. Per-
 mit me to get through with my question; it would
 not be any great public disgrace, national or mu-

- 2273 nicipal, for the parades to break their lines and divide, and go along either side of the railroad on Broadway? A. I don't consider it would be any disgrace, no, sir; it would not be any disgrace that I can see; nothing except crime is a disgrace, that I know of. Q. Do you consider that Broadway should be reserved for the sake of public parades and to the detriment of the traveling public? A. Certainly not, if it is going to be a detriment to the public; I would not reserve anything for parades at the detriment of the public. Q. You were asked some question in regard to the management of the Broadway and Seventh Avenue Railroad Company; are you aware that they ever made any particular examination of their managers or appointees? A. I have only traveled on it; that is all I know about it, sir; I have generally found, so far as my observation goes, everything apparently all smooth; I have not seen anything out of the way. Q. Is that road any better than the Fourth Avenue, or Sixth Avenue or Eighth Avenue? A. No, sir; I don't know that it is; I have never seen anything wrong. Q. Are you aware that they killed a larger percentage of passengers in 1883 than any other road? A. No, sir; I am not; I don't know anything about that.

Mr. Bright : No one else is aware of that. It is not true.

- 2275 *The Witness :* I presume that if I look over our records I could find all accidents, and then I could answer the question.

Q. Superintendent, do you think that the crowd in Broadway, between Chambers Street and the Battery, is as great to-day as it was fifteen or twenty years ago, when the different lines of stages ran on Broadway? A. Yes, I think that the other vehicles have more than made up for the stages that were turned off.

Q. Do you think that the blockades are as frequent and stop all driving as long as they were fifteen or twenty years ago? A. Well, I don't think there are any great stoppages or blocks except when there has been some procession or something crossing the street, either fifteen or twenty years ago or now; I think there may be some blocks, as the gentleman spoke of, for a short time; I think when there

comes a heavy snow then, not only fifteen or twenty 2276
years ago, but at the present time, when there comes
a heavy snow, and the side streets are full of snow,
of course Broadway is generally cleared shortly
after, and then there would be, of course, a block
when the crowds become greater in Broadway be-
low than they did formerly, because there are more
vehicles, and they are all bound to get on Broadway.
Q. Might I inquire, superintendent, how often you
travel up and down Broadway personally? A. Well,
personally I travel up and down Broadway not
probably more than once or twice a week; only
when I was stage inspector I travelled up and down
nearly every day. Q. How was it fifteen or twenty
years ago? A. Fifteen or twenty years ago? Q. Fif- 2277
teen years ago. A. Fifteen or twenty years ago I
travelled up and down it considerably—from 1866
to 1873—I travelled up and down Broadway a great
deal. Q. Well, did you not then witness those
blocks on Broadway that interrupted travel some-
times fifteen, twenty, and thirty minutes? A. Not
unless there was some unusual occasion for it.
Q. You never have seen a block on the corner of
Fulton Street and Broadway that would continue 15
or 20 minutes? A. I didn't say so. Q. Have you?
A. Yes, I have seen a great block there when there
was a parade or procession just passed, and then all
the vehicles that were on the cross streets, as I said a
few minutes ago, they all rushed in and a great crowd 2278
would get there, and there would be considerable of
a block there. Q. Have you personally witnessed
any such block for the last four or five years on
Broadway? A. I have witnessed it, or at least I
have known of it, I didn't know it personally; I was
at the head of the procession when we had our pro-
cession, but I was told the same thing occurred; I
was informed so.

By Mr. Lord:

Q. Have you been on Broadway between Four-
teenth Street and this locality lately? A. Yes, sir;
three weeks ago I rode down in a stage, but I don't
usually go that way. Q. Have you noticed the
number of "To Lets" that hang up in the windows?
A. No, sir; I have not; when I go down in the
morning I go down on the Third Avenue to the

2279 office, and it is very seldom that I go down Broadway in a stage; sometimes I do, but I generally take the ~~car~~

CARL JUSSEN, called as a witness on behalf of the City, being duly sworn, testified as follows:

By Mr. Wickes:

Q. Mr. Jussen, are you the Secretary of the Fire Department? A. Yes, sir. Q. How long have you been Secretary of the Fire Department? A. Since 1875. Q. Are you acquainted with the statistics of the Department? A. Yes, sir. Q. Reports of fires as they occur, and statements of the loss which is sustained, and all details in respect to conflagrations, 2280 are reported at headquarters, are they not? A. Yes, sir. Q. And come under your supervision? Yes, sir. Q. And have been in recent years complied by you, have they not? A. Very largely by me, and under my direction. Q. The city is divided into districts, is it not? A. Yes, sir. Q. And what is popularly known as the dry goods district, is known in your department as the third district, is it not? A. Yes, sir; for statistical purposes. Q. And the first district, how is that bounded on the north? A. By Chambers Street from river to river. Q. And to the end of the city—to the Battery? A. Yes, sir; all the lower part. Q. So, generally speaking, the first district, and the third district or dry goods district, 2281 may be said to be on the line of Broadway? A. Yes, sir; Broadway runs through the centre of both. Q. Have you prepared, at my request, a table showing the number of fires in the last four years, the hours during which they most frequently have occurred and the ratio of fires in the various districts in the city? A. Yes, sir; I have, sir. Q. Will you please look at that table and give us that information (hands witness paper)? A. In the four years, 1881, 1882, 1883 and 1884, the records show that there were in all 8,361 fires, and that the period of the day during which most of them occurred was between six and nine o'clock P. M.; during those hours, in those four years, there were 2,005 fires. Q. At what hour of the twenty-four, let me ask you just here, did the most fires occur? A. At what particular hour? Q. Yes. A. Between six and seven P. M. Q. Will you continue, if you please, answering the other question?

as to the ratio of fires in 2282

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and 1883; for the year
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of fires

2285 occur in business buildings, and that also the heaviest losses result from such fires.

Q. Have you the map there, showing the location of these districts? A. Yes, sir. Q. Prepared by your Department? A. I have a map here that shows the division of the city into the districts mentioned. Q. I would like to have the map and the table offered in evidence? A. The map shows the statistics for the two years 1882 and 1883 in each district.

(Table above referred to, marked A1, A2, A3 and A4, of this date; map marked B of this date, there being two separate sheets to the map.)

2286 *The Witness*: Your question also refers to the highest number of fires; there is a general statement which is also given here, as to that.

Mr. Wickes: For the purpose of having it on the record I will ask Mr. Jussen one or two questions as to the hours that fires occur, more frequently or less frequently, according to those statistics.

Q. Just take those papers, Mr. Jussen, and say during what hours fires are most frequent, and during what hours fires are found to be less frequent? A. Taking it hour by hour? Q. No, just generally speaking; the highest three hours and the lowest three hours. A. The highest three are between six and nine P. M. Q. And the lowest three? A. Between three and six A. M. Q. Give us the highest twelve hours? A. The highest twelve hours are 2287 from twelve noon to twelve midnight; and the lowest, of course, from twelve midnight to twelve noon.

Mr. Wickes: I will offer those tables in evidence; they are compiled with great detail, hour by hour; the stenographer has already marked them.

Cross-examination by Mr. Bright:

Q. This estimate, by which you state the frequency of fires within certain hours is made with reference to districts, or with reference to the whole city? A. Yes, sir; made with reference to the entire city. Q. Referring now especially to the mercantile districts of which you have spoken, where you think that property is especially massed, within what hours do the fires most frequently occur there? A. Well, I can only speak generally, and from recollection, as

the statistics don't show that by districts. Q. Isn't 2288
it the fact that in those districts the fires generally
occur in the night-time? A. In the dry goods district
especially, I should say, speaking from recollection,
that the greater number of fires, and the greater
number of serious fires, more especially, occur
between the hours of six to ten at night, beginning
generally about the time that the wholesale
places of business are closed, within a half hour or
an hour after that. Q. Are you speaking now in a
manner to cover the whole mass of fires, or to cover
the principal fires in that district? A. No; I may
say in those districts. Q. Isn't it true that the
most serious fires occur nearer to ten o'clock than to
six or seven o'clock? A. No, sir; I should say
not; within the last two or three years the most 2289
serious fires occurring in that section of the city
occurred at an earlier hour than ten o'clock. Q. Do
you know this only from tables that you have
figured upon, or do you know it from observation?
A. That is from observation and recollection; I can
enumerate quite a number of them. Q. How much
earlier than ten o'clock do they occur, as a rule,
these principal fires? A. Well, it varies with the
seasons of the year; but I should say between six
and eight o'clock P. M. is the time when the most
disastrous fires in that section have occurred; the
most serious fires. Q. Then do you think they
occur after the houses are shut, and the population
of the vicinity has disappeared? A. Well, yes; I
think so, generally. Q. Then, it is long enough 2290
after the close of usual business hours for the stores
to be closed and vacated, and the people to leave the
locality altogether? A. Well, to leave their places
of business; the place is left to itself, and the fires
occur after the place is closed, in some manner or
another, carelessly, or from some other cause. Q.
Ordinarily speaking, at what hour do you think the
dry goods houses are closed and vacated at night, in
busy times? A. Well, I don't get down there very
often. Q. Not earlier than seven o'clock? A. I
can't tell you, speaking from my own knowledge,
except as I have observed it in these large fires in
going to them; I am generally at the office when
such things occur up to about seven o'clock, or half
past six, and I know that has enabled me to attend
a great many. Q. From seven to half-past eight?
A. From half-past six until seven, and sometimes
later.

2291 *By Mr. Fuller :*

Q. You spoke of your opinions being formed by observation at the time of the occurrence of these fires ; isn't it the fact that they occur and are reported at headquarters within a particular time ?
A. Yes, sir ; but I say those statistics have not been apportioned off by districts in the city ; we have them as a whole—for the whole city.

JOHN B. GREEN, called as a witness on behalf of the City, being duly sworn, testified as follows :

By Mr. Wickes :

Q. Mr. Green, you are Chief Engineer of the
2292 bureau of street cleaning ? A. I am the Superintendent of the Department of Street Cleaning. Q. And you were at one time chief clerk ? A. I was chief clerk of the Bureau of Street Cleaning under the Police Department. Q. How long have you been connected with the street cleaning business in this city ? A. Since 1872. Q. Continuously ? A. With the exception of nearly one year when I was out. Q. What has been the habit in the Street Cleaning Department since you have been connected with it, of dealing with Broadway in case of a snow-storm ? A. Well, we always removed the snow as soon as we could after the storm ; and it has always been the custom to remove it from there first. Q. Broadway,
2293 if I understand you, then, was the street to which you directed your attention first ? A. Broadway usually received the first attention. Q. It was considered the most judicious to begin there, wasn't it ? A. Yes, it was. Q. A beginning had to be made somewhere and you opened with that street ? A. Yes, sir ; it is the main artery or thoroughfare up and down town. Q. You began with Broadway and then followed with the streets leading up and down to the ferries ? A. Yes, sir ; and followed up with the streets from Broadway leading to the ferries. Q. Broadway is the centre line of the city substantially ? A. Yes, sir. Q. And that was done and is done now in pursuance of standing orders ? A. Always has been since I have been connected with the Department or with the Bureau before. Q. That mode of procedure was adopted by the Legislature of the State, at one time, wasn't it ? A. I think there was a special act of the Legislature authorizing an

appropriation for cleaning the snow from Broadway; 2294
 I think previous to 1870. Q. About 1868, wasn't it?
 A. Somewheres along there, I think it was; there
 was an appropriation each year in the tax
 levy for removing the snow from Broadway
 for two or three years. Q. This mode of dealing
 with a snow-storm on Broadway, then, was in pur-
 suance of a long-established custom and in pursuance
 of what you understood to be the command of the
 commerce of the city? A. Yes, sir; it is almost a
 necessity. Q. A public necessity? A. Yes, sir; a
 public necessity. Q. Why is that considered a
 necessity? A. Well, for a means of travel up and
 down town. Q. Great traffic? A. Great traffic;
 well, it has great traveling opportunities; it is the
 main thoroughfare of the city up and down town,
 and the snow must be removed from there first in 2295
 order to relieve it.

Cross-examination by Mr. Bright:

Q. Mr. Green, how long have you had familiarity
 with the cleaning of the streets? A. Well, since
 1872, with the exception of one season that I was
 not connected with it. Q. And you have had the
 superintendence of the removal of snow from Broad-
 way? A. For two or three years—nearer three
 years—I have been in charge now. Q. Do you
 know what the ordinary use of snow-plows and
 sweepers is by railroads? A. Yes, sir; I know
 what their use is. Q. And the carts and men that
 you employ to clean the streets go into the streets
 and pursue what method? A. Well, the men 2296
 usually gather the snow into piles and help load the
 carts and we cart it to the river and dump it into the
 river. Q. You don't shovel it when it is in the level
 mass? A. No, sir; we might if it was a very heavy
 storm. Q. It is then a convenience to throw it into
 piles for the purpose of loading? A. We proceed
 in that manner; yes, sir. Q. You find it is a saving
 of time and expense both? A. Yes, sir; we can do
 it quicker. Q. Then if there happens to be a rail-
 road in Broadway, and its snow-plows and sweepers
 had thrown the snow at the side of the street, you
 would shovel those piles into your carts directly, I
 suppose? A. Well, yes, we might; I have never
 had any experience of cleaning Broadway in that
 way: but we might do it. Q. But that naturally
 would be the way you would do it? A. Yes, sir; it

2297 would seem so. Q. And doing that would relieve your men of the necessity of sweeping all that portion of the street that would be cleared by the snow-ploughs and sweepers? A. Yes, sir; they would not have to gather it up if it had been gathered. Q. To that extent it would be a saving of time and labor to your Department? A. Well, I don't know but what it would; yes, to some extent.

By Mr. Wickes :

Q. I want to call your attention to the cost of removing snow from Broadway; you may recollect a snow-storm in 1878—it was quite heavy—and you may recollect that during the four days, January 31st, February 1st, 2d and 3d, 1878, the street-cleaning 2298 force was occupied with removing snow from Broadway, principally between Twenty-third Street and the Battery; do you recollect the total expenditure for those four days? A. No, sir; I don't. Q. Do you recollect making a calculation of that for the use of the Law Department? A. Yes, sir; I think I did, in some case that was against the city. Q. And that tabulation showed the number of carts employed and the number of days work, total number of loads of snow removed, total number of hours of work done by the foremen, and the total number of hours of laborers, &c., did it not? A. I think it did, as I recollect it. Q. And was not the total expenditure for the four days in the neighborhood of \$9,000? A. I don't remember the amount. Q. Does 2299 that seem to you now to be a reasonable expenditure, considering the force at work on those four days? A. \$9,000? Q. Yes, sir. A. Well, yes; that would be a reasonable amount.

Mr. Wickes : I will ask the witness to refresh his recollection by a memorandum which I show him.

Commissioner Harris : What are those tables?

Mr. Wickes : It only shows the amount of labor performed in removing snow from Broadway for four days, the 31st of January and the three succeeding days, 1878.

Commissioner Lord : Is that an official publication?

The Witness : Yes, I think it is; it was devoted to a case.

Mr. Wickes : That is a printed copy of a table that Mr. Green prepared for the use of the Law Department.

Commissioner Harris : Then he can swear that it ²³⁰⁰
is correct ?

The Witness : I haven't any doubt of it.

Q. Then what is the total cost ? A. \$8,843.34.

By Mr. Beaman :

Q. When you were cleaning Broadway from snow what did you generally do with the snow ; where was it carted to ? A. To the river, and dumped at such points as we could dump it into the river. Q. On either side. A. Yes, sir ; on either side. Q. Do you carry it up and down much, or do you go to the river as quickly as you can ? A. As quick as we can ; we have only certain places where we can dump. Q. Do you remember any of those places ? A. Yes, sir ; we have one at Pier 1, at the North ²³⁰¹ River. Q. That is down near the Battery A. Yes, sir ; down near the Battery, Pier 1, North River ; and the next point on the North River is Harrison Street, where we can dump, or possibly at Jay Street ; that is the place designated. Q. That is above Canal Street ? A. No, sir ; below Canal, between Canal and Chambers. Q. Where would you cart any of the snow that you took from Broadway, say below Chambers Street ? A. The mass of that would go to Pier 1 North River and to Pier 12 East River ; Pier 19 East River is another place ; understand the law authorizes us to dump from the end of any dock in the City of New York, but the trouble is that most of the docks are occupied privately and we can't get on to them ; so we have to use those we can get to ; Pier 12 East River and Pier 19, ²³⁰² and I don't know but Pier 23 ; I think we sometimes dump them there. Q. Pier 12 East River is near where ? A. Old Slip. Q. And Pier 19 ? A. Well, that is just above Wall Street. Q. How much have you known to be spent in any one year by the Street Cleaning Department for removing the snow from Broadway ? A. From Broadway alone ? Q. Yes. A. Oh, I should think in the neighborhood of \$50,000. Q. For a single year ? A. Yes, sir. Q. How many years have you known it ? A. Well, I have been connected with the Department since 1872, with the exception of the years 1880 and 1881. Q. How much has been spent for cleaning Broadway, on an average, during those years until now ? A. On an average ? Q. Yes. A. From snow

2303 alone? Q. Yes. A. Well, possibly \$25,000 to \$30,000 for Broadway; but a lot of expenditure is on other streets. Q. But as much as that on Broadway? A. Yes, sir; I think it will average that. Q. This year has been a very easy year for snow? A. Yes, sir. Q. Do you spend more for cleaning Broadway from snow than all the rest of the city from snow? A. Well, I should think the expenditure on Broadway is as much as the other streets we clear.

Q. What other streets do you clear? A. All the streets leading to the ferries down town; we clear Fourteenth Street—that portion of Fourteenth Street, from Sixth Avenue to Broadway; almost as soon as we do Broadway—at least follow right along
2304 —and Twenty-third Street, from Sixth Avenue to Broadway; we have to clean Twenty-third Street, from Fourth Avenue all the way over West. Q. And Fifth Avenue also? A. Fifth Avenue we usually clear after Broadway. Q. After Broadway, and after these business streets? A. Yes, sir; last year we removed a good deal of snow from the business portion. Q. When do your teams go to work, before it stops snowing? A. No, sir; we usually wait until it stops, and we go at it then as soon as we can; but we can do very little on Broadway during the business hours of the day; we usually do the work there at night and on Sundays; we work on Sundays. Q. What is the trouble in the business part of the day? A. Oh, traffic; we would blockade
2305 it if we got fifty or one hundred carts there; we would block the street up. Q. How would that happen? A. Well, the increase of wagons there, and our men have to stop to load. Q. And they are standing there? A. Yes, sir; and if they are standing there they will nearly stop up the avenue or street. Q. And vehicles can't go by them? A. Not very conveniently. Q. What is the effect of travel on Broadway after you have got it cleared, and the rest of the streets are covered with snow? A. Well, I think the travel increases very materially. Q. Did you have anything to do with the Street Cleaning Department before they inaugurated the scheme of clearing Broadway of snow? A. Before? Q. Yes. A. No, sir. Q. Do you have anything to do with the Street Cleaning Department, so far as it cleans Broadway? A. I am the superintendent of that. Q. To what extent is Broadway cleaned? A.

We clean Broadway every night when the weather permits. Q. Every night? A. Every night during the six days of the week. Q. All the way down? A. From the Battery to Forty-second Street. Q. Every night? A. Yes, sir. Q. That is you sweep it and brush it? A. Yes, sir; sweep it and brush it. Q. At what expense is that done? A. Well, it would probably cost \$50 a day taking it all through. Q. \$50 a day? A. Yes, sir. Q. Do you think that Broadway is cleaned for \$50 a day? A. I think it can be; yes, sir. Q. Is it done under contract? A. No, sir; it is done by the city; by their employees. Q. What is the total amount of the expense of the city in cleaning all its streets? A. The whole city? Q. Yes. A. Well, for the cleaning of the streets and removing of the ashes and garbage, etc., last year our appropriation was \$1,050,000, that is including the snow. Q. That included the snow? A. Yes, sir. Q. You have nothing to do with the street Paving Department of the city? A. No, sir.

By Mr. Fuller :

Q. Do you use machines in sweeping Broadway?
A. Yes, sir; and most of the other streets.

Mr. Fuller : That is the reason it is so cheap.

GEORGE W. BIRDSALL, called as a witness on behalf of the city, being duly sworn, testified as follows:

2308

By Mr. Wickes :

Q. You are connected, I believe, with the Department of Public Works in this city? A. Yes, sir. Q. And you are chief engineer of that department? A. Yes, sir; chief engineer of the Croton Aqueduct. Q. Are you familiar with the pipes and mains and sewers, &c., underneath the surface of Broadway? A. I am, sir. Q. Will you state what pipes belonging to the city, and what pipes belonging to private corporations, if any there are, are in the portion of Broadway in front of this building, and along in front of City Hall Park? A. Well, in front of City Hall Park there we have only one pipe on the west side of the street, and one in the centre; in the other part of Broadway we have a 12-inch pipe along on each side, and one in the centre. Q. How is it by this building? A. We have a pipe on each side

230 of Broadway, and one nearly in the centre of the street.

Commissioner Vance : You are speaking now of main pipes?

The Witness : Yes, sir.

Q. Any sewer? A. I don't think there is any sewer in front of this building. Q. Is there a sewer in Broadway? A. I don't think so; no, sir. Q. What other pipes are there in front of this building? A. In front of this building there are two large gas pipes, sixteen and twenty inches, and five other small pipes—gas pipes; there is also in front of this building the Western Union pneumatic tubes. Q. Where are they laid? A. They are nearly at the centre of the street. Q. Any pipes belonging to the
2310 Steam Heating Company? A. Not in front of this building; they extend from Warren Street to Morris Street. Q. Do those water mains and gas mains and gas pipes and pneumatic tubes extend, generally speaking, through Broadway from this point up to Fourteenth Street? A. Yes, sir. Q. And from below the City Hall Park down to the other end of Broadway? A. Yes, below that they have the steam heating pipes besides. Q. And these pipes get out of order? A. Certainly, sir. Q. So that they need to be repaired? A. Occasionally. Q. That involves the taking up of the street pavement, does it not? A. Yes, sir. Q. And the digging of a more or less large hole? A. Yes, sir. Q. Would a surface railroad in Broadway, in your opinion, interfere with the work of repairs? A. It would increase the cost of repairs. Q. Increase the cost of
2311 repairs? A. Yes, sir. Q. Would it increase the cost by reason of your having to dig a larger hole or because it would take a longer time to do the job? A. If it is underneath the railroad tracks it would take a longer time, and if it was close to or underneath the railroad track we would have to undermine the railroad track.

By Mr. Bright :

Q. Any system of railroad then that would go down beneath the surface for several feet and establish elaborate works, masonry, and machinery would be a more serious obstruction than a horse railroad? A. Yes, sir. Q. It is the fact, I suppose, that you are in the habit of laying pipes in all parts of the

city where horse railroads exist? A. Yes, sir. Q. 2312
 And you are able to do it in such a way that your
 work is accomplished and that public travel is not
 wholly interrupted? A. In that case our pipes
 would be laid outside of the railroad tracks. Q. But
 you find that they are able to do it in such a way as to
 accomplish this work and not wholly interrupt public
 travel? A. With the exceptional case of large
 mains, and there of course we would interfere with
 the railroad tracks more or less. Q. Yes; but take
 my question as I put it, and see if you can answer
 it: in all the railroad streets where you have had
 occasion to do your work have you been able to
 accomplish this work, and at the same time not
 wholly interrupt public travel? A. Certainly, sir;
 that is the way we do in all streets. Q. Does it not 2313
 often happen that if you want to lay a pipe under-
 neath that part of a street occupied by railroad
 tracks that the company shift their tracks tempor-
 arily? A. Yes, sir. Q. And shift them to the right
 or to the left? A. Yes, sir. Q. And, while doing
 that heavy sewer work in the middle of the street,
 these tracks are temporarily laid to the side and
 operated, and the public convenience substantially
 subserved? A. Yes, sir.

By Mr. Beaman:

Q. You spoke of the fact that if you were putting
 down or taking up the streets in which there were
 railroad tracks in other parts of the city, you would 2314
 put your pipes so that they would not interfere
 with the railroad tracks? A. Except in the case of
 large mains. Q. Yes, and that is true generally, is
 it not, in other parts of the city, the pipes where
 there are horse railroad tracks have been more or
 less laid with reference not to undermine the rail-
 road tracks? A. Yes, sir. Q. They are at the
 side? A. Yes, sir. Q. And so you repair them or
 attach them with buildings without interfering with
 the railroads? A. Yes, sir. Q. Now, these pipes
 on Broadway were put down without regard to rail-
 road tracks? A. Yes, sir. Q. And in that respect
 is not to be compared with other streets? A. No,
 sir.

Q. And if a railroad track was laid down, state
 whether or not much of the work of repairing these
 pipes and getting to them, and making connections

- 2315 with them would be down under the railroad track ; assuming that the railroad track was 15 feet wide and running down the middle of the street ? A. One of our main pipes under Broadway would be under the east track of the railroad. Q. One of your main water pipes ? A. Yes, sir. Q. Under the east track ? A. Yes, sir. Q. Is it frequently necessary to make connections with that ? A. No, sir ; that is one of our main pipes. Q. Or with any of the other pipes ? A. The other pipes would be outside—near the curb. Q. That is, would be between the car track and the curb ? A. Yes, sir. Q. Are there any other pipes running down in the centre or that would be embraced in this fifteen feet ? A. The steam heating pipes and the pneumatic tubes of the
- 2316 Western Union can be underneath the other track. Q. They are in the centre ? A. Yes, sir ; nearly so. Q. Supposing you were cutting a section, say at the corner of Fulton Street and Broadway, right in the street there, about how many different pipes would you cut across ? A. About thirteen different pipes. Q. Thirteen main pipes running up and down ? A. Yes, sir ; gas and water and steam heating, and then there would be the pneumatic tubes of the Western Union Telegraph. Q. Do you know where it is contemplated—where on Broadway are to be put the underground wires for electric purposes ? A. I suppose the bulk of them will come near the curb, as they will want connections with the houses on each side. Q. Has any permission been given to
- 2317 them by the City as yet ? A. I don't think so—on Broadway. Q. How about the telegraph wires, the placing of them underground ? A. Well, only the Western Union has as yet any special permission on Broadway. Q. And they are in the centre of the street ? A. Yes, sir ; they are in the centre of the street—just west of the centre. Q. Between these different main lines of sewer and gas pipes, running up and down Broadway, there are frequent connections with houses, are there not ? A. Yes, sir. Q. There are connections practically to every house ? A. Yes, sir. Q. How is it about these two lines of gas pipe, are they of the same company or different companies ? A. There are three companies on Broadway south of Canal Street, two of them have mains coming down Broadway near the centre of the street, and then they have their regular supply mains on each side. Q. But their large mains run down

there? A. Their large mains run down also; yes, 2318

sir. Q. Then, there are connections from these mains to either side of the street? A. No, as a general

thing on Broadway the gas companies have a main

on each side. Q. And so if you connect you connect

with these mains on each side? A. Yes, sir. Q. And

it may be the case, as I understand, for one house to

get gas from one company's main, and for the next

house to get it from another company's main? A.

Well, I say the gas companies generally have a

supply main on the side—— Q. But, there are two

companies on Broadway, say on this east side, and

it would happen that there would be two of these

supply mains, if you so call them, on the side of

the street running down? A. Yes, sir. Q. And

say there were two houses, No. 120 and No. 122, it 2319

might be that No. 120 would get its supply of gas

from one company and No. 122 would get its supply

of gas from another company? A. Yes, sir. Q.

There is no general arrangement by which one

should supply the whole block? A. No, sir. Q.

Each customer takes from which ever company he

pleases? A. Yes, sir. Q. So that those connec-

tions are being made and changed from time to time

with the various houses? A. Yes, sir. Q. You

have spoken of the increased cost that there would

be to the city by repairing if there was a horse-car

track there; how would that be caused? A. Where-

ever we have to dig under or close to the horse-car

track we first have to have a man to keep the run of

the cars; some of our men are working in a cut and 2320

when a car is passing over them there is more or

less detention, especially at the first part of the dig-

ging; when the cars go backward and forward the

men are started and stopped, and there is always

more or less detention. Q. So far as you can carry

on your business it is done to accommodate, so far

as you can, the horse-car people and all other traffic?

A. Yes, sir.

Q. But, as you are repairing the street and dig-

ging in it for the time being, there is an obstruction

in the street, is there not, to the extent of the cut

you are making? A. Certainly, sir. Q. And vehi-

cles could not go over there? A. No, sir. Q.

Though the cars might go over, other vehicles could

not go over it? A. Yes, sir. Q. And the vehicles

would be driven to the other side of the street? A.

Yes, sir; or passing each side. Q. But in making

2321 these repairs you are making them in the most expeditious way? A. Yes, sir. Q. And the result of this testimony of yours in regard to the increased cost of labor is the result of your experience in working where there have been car-tracks? A. Yes, sir.

By Mr. Fuller :

Q. How deep are your pipes? A. Our water-pipes are down four feet from the surface of the ground. Q. Then a trench three feet wouldn't interfere with them? A. It would interfere with our getting at or taking out or repairing our pipe to a great extent. Q. If a bed was laid with concrete and cement it would not interfere at all? A. There 2322 would be no danger of its caving in, but suppose you had a pipe broken underneath it how would you get at it? Q. Could not you dig under that? A. But you would only have a foot left to do it instead of having a whole open space. Q. Why, is it necessary to lift it up? A. You generally do in taking a piece of pipe up or connecting a piece of pipe or putting a new one in. Q. How do you get it up over a railroad? A. We hoist it up through it. Q. You dig in a trench from the side? A. Not always; as a general thing it is easier to come right straight up. Q. You do dig around other pipes, gas pipes and all these? A. Yes, sir, certainly; but it is time and expense, and we never have allowed 2323 anybody to lay anything right directly over our water mains—that is, to come within a foot or so of them. Q. You say your water mains are how deep? A. About four feet under the ground—the top of them. Q. How large are they in diameter?

Commissioner Lord : Do you mean four feet from the surface down to the top of the pipes? A. Yes, sir; our pipes range from one to four feet in the City of New York, and from one to three feet in Broadway.

Commissioner Lord : Below the surface?

The Witness : No, the diameter; the diameter of the pipes.

Q. You have never had any pipes broken by the laying of railroad tracks, have you? A. No, sir.

By Mr. Bright:

Q. You know of no cable road being constructed yet over this system of pipes in New York? A.

Yes, sir; I am watching one of them very atten- 2324
tively, and one of them cost us the other day about
\$2,000. Q. Where was that? A. At the intersec-
tion of Manhattan Street and Tenth Avenue. Q.
You look upon them with great apprehension? A.
I don't know that there is any apprehension; I am
taking it as it comes; I drive them off of our pipes,
that is all; I don't let them get on to them.

By Mr. Beaman:

Q. Mr. Birdsall, can you tell me what proportion
of the water supply of the city that is used below
Fourteenth Street comes down Broadway? A. About
one-fourth of it.

Commissioner Harris: These pipes are cast-iron? 2325
A. Yes, sir.

Commissioner Harris: How long do they last?
A. Well, a pipe in Broadway—the main pipe on
Broadway has been there since 1838, I think.

Commissioner Harris: There were wooden pipes
in Broadway? A. Yes, sir; they were laid by the
old Manhattan Company; when we took the pipe
up—this old pipe—it appeared to be as good as the
day it was laid down, especially in sandy soil.

Commissioner Vance: Have you frequent occa-
sion to repair that pipe?

The Witness: No, sir.

By Mr. Fuller:

Q. Have you had occasion to repair it since it was 2326
laid on Broadway—the main pipe? A. Yes, sir.

Q. How many times? A. Well, to my knowledge
about ten times; in the last seven or eight years we
have made a large number of connections with it for
the Fire Department, for hydrants, and the more
connections we make with it the more liability there
is for want of repair. Q. The big mains that were
laid down in Tenth Avenue, how deep down were
they laid from the surface of the earth? A. Well,
I don't know; they were laid and the avenue was
graded on top of them, and in some cases, I think,
on Tenth Avenue, I think the pipes are not more
than two and a half feet below the present grade of
the avenue. Q. And other places they are much
lower? A. Other places they are five feet; at Man-
hattan Place and Tenth Avenue I believe they are
about four and a half feet underground. Q. I

2327 thought you stated before that they are four feet?

A. I was talking about them generally; in this case at Manhattan Street, that was raised some years ago by a Legislative Act—the grade of it was raised, and therefore the covering of the pipes became greater than it was generally.

GEORGE W. BLAUVELT, called as a witness on behalf of the city, being duly sworn, testified as follows:

By Mr. Wickes :

Q. Mr. Blauvelt, you are at present employed in the Department of Public Works, I think, in the Bureau of what is called the Water Purveyor? A. 2328 Yes, sir. Q. What are the duties connected with that bureau? A. Well, we repair the streets in the Spring and Summer and in the seasons when the weather permits; that is my duty—general foreman and superintendent of out-door work. Q. That is the street pavement? A. Yes, sir; the street pavement. Q. From curb to curb? A. Yes, sir. Q. And in the Bureau of the Water Purveyor complaints are lodged, are they not, as to the street pavements about holes or bad places where the surface is uneven or has become dangerous? A. Yes, sir. Q. These complaints are brought in by the police, are they not? A. Yes, sir; brought in by the police and citizens also. Q. And are filed there? A. Yes, sir. Q. And those you undertake to re- 2329 pair? A. Yes, sir. Q. With the means at your disposal? A. Yes, sir; we have a board of inspectors also which goes around examining from eight o'clock in the morning till five o'clock in the evening and they also make their reports, and those things must be attended to to save the city from expense by damage done by the breaking of a leg or the breaking of a vehicle—must be attended to immediately. Q. Is there more difficulty in repairing a street through which a surface railroad track is laid than to repair a street that is not occupied by a railroad? A. Most assuredly so, sir. Q. Is there more expense connected with it? A. Double the expense. Q. State why it is more difficult, if you please? A. Simply from the very fact that we can occupy only a certain portion of the street, and we are not allowed to blockade the block from one end of the block to the other, to impede travel, and in

making our openings when they come near the railroad track, as a general thing, the paver is obliged to get out of the way by the incessant running of the cars. Q. Often times you are obliged to undermine the track, are you not? A. We do not undermine the track, no, because we never go further than the track. Q. Do you have to dig a larger hole sometimes or remove a larger surface of pavement to accommodate yourself to the travel of the cars? A. Yes, sir; we do. Q. Is there anything connected with the operation of a railroad track and especially in narrow parts of streets which renders the necessity of repairs more frequent? A. Yes, sir; the frequent travel on the track of the stages or double trucks. Q. Explain how that operates? A. It operates in this way; that it cuts a groove within about eighteen to twenty inches or two feet of the railroad track, according to the width of the vehicles which travel through those streets by their placing one wheel in the rail and the other outside of it; we have now, I can call up to your attention several streets here in the City of New York in that very condition, such as Fulton Street from William to Pearl; there there are two ruts now of about three inches deep which is a very great detriment to the people traveling through Fulton Street and also to the store-keepers; we have numerous complaints along that line of ruts caused by that trouble; then Twenty-third Street from Broadway to Ninth Avenue is in the same condition. Q. And also Broadway between Seventeenth Street and Twenty-second Street? A. Yes, sir; Broadway between Seventeenth Street and Twenty-second Street; we were obliged last year to repair that street thoroughly from one side to the other on account of the incessant travel which goes into the railroad track and cuts that rut. Q. How much did it cost between Seventeenth Street and Twenty-second Street to do that? A. It cost in the neighborhood of eight hundred and odd dollars, nearly one thousand dollars. Q. That work you did yourself? A. That work was done by the Department of Public Works under my supervision; we also have to repair Broadway, but with a railroad through Broadway it would be impossible to repair it in the daytime on account of the travel there and we would have to do it in the night or on Sundays. Q. This rut which is worn in a railroad street, how long does it take to become so deep as to render repair neces-

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2333 sary? A. Within a year it will wear itself down from two to three inches, even on a granite street, which is considered one of the hardest stones in the paving line.

Q. And when it gets to be 2 or 3 inches deep it is necessary to repair it, you think? A. It is necessary to repair it. Q. If a double track railroad were laid through Broadway, say from the Battery to Fourteenth Street, would such ruts be worn, in your judgment, so as to necessitate repairs every year? A. I see nothing to obviate that at all; I think it would, most assuredly. Q. And wherever there is a street with a railroad in it, it is in your judgment that vehicles use railroad streets in that way? A. Yes, sir. Q. And vehicles that are broad-
 2334 gauged run on the outside of the track with one wheel? A. Yes, sir; we find that in all railroad streets. Q. Can you estimate the probable cost of repairing Broadway in that manner, per year? A. Block by block, or through from one end to the other? Q. How many blocks are there? A. Some forty odd blocks from Bowling Green to Fourteenth Street. Q. Take it the entire distance? A. The entire distance would cost, I should calculate, from about four to five thousand dollars a year, and that could be done in the hours of the day, without a railroad there, as it is now; but with a railroad there it would cost in the neighborhood of \$8,000 to \$10,000 to keep Broadway in thorough repair, because the blocks would get so worn that we would
 2335 be obliged to replace them with new blocks. Q. That is, a block being worn in this rut can't be put down without being redressed? A. Not without being redressed or substituted by a new one. Q. My question a moment ago was intended to cover the cost of repairing this particular railroad rut? A. Well, it would cost from \$8,000 to \$10,000 a year, and then it would have to be done at night or on Sunday; that is simply for the rut, because it takes out about 2 feet of stone; it would use up 2 feet of stone, the whole distance of Broadway on two sides. Q. On account of the large traffic in Broadway, would it be, in your opinion, impossible to have what is called a full day's work there? A. Could not do it, sir. Q. And for that reason I suppose the price per yard would be increased? A. Yes, sir; it would be increased. Q. Over the price for paving a square yard of pavement in an ordinary street? A. Yes, sir; we couldn't put in more than 25 yards

a day on Broadway with the best two gang-men that ever handled a hammer—a paving hammer; it would be impossible. Q. How much could you put in on another street? A. We could put in from 50 to 60 yards a day, and that I can show by my report of this last season, by actual measurement. 23.6

By Mr. Bright:

Q. Do you confess that your department suffers ruts to grow in the pavements to a depth of 3 inches before you do anything for them? A. Do I what, sir? Q. Do you confess that your department suffers ruts to grow in the pavements to the depth of 3 inches before you do anything for them? A. Yes, sir. Q. And you also insist that it would cost from \$8,000 to \$10,000 a year to simply repair the ruts that would be created along a line of railroad in Broadway from Fourteenth Street to the Battery? A. Yes, sir; on account of the railroad being there—that is, if it was there. Q. And you think that would be quite a heavy and burdensome tax to the party who pays it? A. Well, I should think so if it was put on the city. Q. You think it would be all right if put on the railroad? A. Yes, sir; simply from the very fact that they have the privilege there? Q. Suppose that a railroad should keep in permanent repair the portion of every street and avenue between its tracks, the rails of its tracks, and a space 2 feet in width at the side and adjoining the outside rails of its track or tracks; so long as it shall continue to do the same, what would be the effect of their performance of that work, assuming that they do it, upon the labors of the city? A. Well, that is a supposition then. Q. Yes, sir. A. Well, that is something that they don't do. Q. You need not say? A. That is a mere supposition. Q. You are not called upon to slander anybody now; I simply ask you that question? A. You ask me the question and it is a supposition, and I can't answer it that way. Q. If it should be done it would be a very great relief to the city, wouldn't it? A. Certainly. Q. And it would be a vast relief beyond the expense of \$8,000 or \$10,000 a year? A. It would save the city that much, that portion of it. Q. Then if it will cost \$8,000 to \$10,000 a year simply to repair the ruts along the rails, how much will it probably cost to keep in permanent repair all the portion of the streets occupied by the tracks and 2 2337 2338

2339 feet outside, namely, about 19 feet of the street, of the entire street, from Fourteenth Street to the Battery? A. Well, it would cost relatively about the same amount, simply from the very fact that alongside of the rail where this rut occurs they are obliged to get out of the way in order to make way for railroad cars, or else the pavers would get their heads taken off.

Q. Why, bring your mind to my question; if it costs \$8,000 to \$10,000 simply to repair the ruts along the rails, what, in your judgment, will be the total expense of repairing the entire street and keeping in perfect and permanent repair the entire street, occupying the space of 19 feet in width through the whole length of Broadway? A. It would not cost as much, sir, and I will answer your question in this way: the travel is all over the street.

2340 Q. Do you mean it would not cost as much in addition to the \$8,000 or \$10,000 or less than \$10,000 all together? A. Less, sir, if the railroad was not there. Q. Oh, no, no, no, I mean, assuming that the railroad was there? A. Oh, assuming that the railroad was there? Q. Yes. A. It would not cost anything near as much, because those ruts don't occur, with the exception of where the rail is. Q. Suppose the railroad to be there, and that your Department is required to keep the whole space occupied by the railroad in perfect and permanent repair, what would it cost your Department? A. Oh, the whole space from curb to curb? Q. The space occupied by the railroad, and two feet outside of the tracks on either side—that is 19 feet; suppose

2341 you had to keep the whole railroad track and a space two feet outside of their tracks on each side in perfect repair, what would it cost your Department a year? A. It would cost probably \$12,000, the tracks and all included. Q. And if the railroad does it, you will certainly save that? A. Yes, sir; certainly. Q. I can assure you if this company builds a railroad they will suffer no such ruts in Broadway as you describe. A. That I don't know anything about; I don't intend to argue that point with you; I am giving you what the facts are, and I can say that here in the city nearly every railroad track that is laid allows those ruts to remain there. Q. Do you know the fact that there are serious ruts, causing great obstruction and losses to vehicles and property in West Street? A. Do I know that?

Q. Yes. A. Yes, I know we have many complaints 2342
 from there. Q. Do you know that there are also
 ruts in Greenwich Street and Washington Street?
 A. Ruts alongside of the rails? Q. Yes. A. Oh,
 yes. Q. What is your official position? A. Gen-
 eral foreman. Q. General foreman? A. Yes, sir.
 Q. Responsible for repairs? A. I am. Q. Sir, I
 recommend you to perform your duty. A. Well,
 sir, I am very happy to hear it; but I can assure
 you that the city is in better condition to-day than
 it has ever been before in many years; it is diffi-
 cult, if not impossible, to make repairs in weather
 like this; I can't make repairs in weather like this
 at all; can't take the stone out of the ground. Q.
 Are any of these ruts that you spoke of a year old?
 A. Yes, sir. Q. Why are they there? A. Simply
 because the railroads won't repair them. Q. They 2343
 are under no duty to, are they? A. I beg your
 pardon; they are to keep the railroad tracks in re-
 pair from 18 to 20 inches outside of the track?

By Mr. Beaman:

Q. That is what you understand is the obligation
 of the railroad companies? A. Yes, sir. Q. And
 you think they don't perform it on any railroad
 company in the City of New York? A. No, sir;
 Mr. Culver wrote a letter the other day to the
 Twenty-third Street Railroad Company in reference
 to the very bad rut there from Broadway to Ninth
 Avenue, and they refused in toto to repair it, and
 referred us to the stage company to look after that
 rut. Q. How about repairing the rut on Broadway 2344
 between Seventeenth Street and Thirty-fourth
 Street? A. We had to repair it last Spring, sir;
 we repaired it last Spring and last Summer. Q.
 Did you try to get the company to repair it? A. I
 won't be positive to that effect; I know it was re-
 paired by the Department at a cost of over \$800—
 from \$800 to \$1,000 altogether. Q. How about the
 travel on West Broadway, as to these ruts; what do
 I understand these ruts are caused by? A. They
 are caused by the heavy traffic or heavy stages, put-
 ting one wheel in the track and the other on the
 outside of it; it causes a rut about 18 inches outside
 of the rail.

Q. How long does it take for such a gutter to wear
 two or three inches deep in a place where there is as
 heavy travel as on West Broadway? A. In about

- 2345 a year's time. Q. Were you in this Department when Broadway was last paved, below Fourteenth Street? A. No, sir; you mean with granite pavement? when it was paved by Gidday. Q. Yes, sir. A. That was about fifteen years ago; I have been there since 1877. Q. Was that the time Broadway was paved? A. Yes, sir; I believe so. Q. What is the general condition of the Broadway pavement now? A. The general condition of Broadway now is in a very fair state with the exception of where it is torn up by the different companies passing through it and re-laying the stones; but the wear and tear of it is in good condition. Q. What do you mean by different companies passing through? A. By gas companies and steam heating companies,
- 2346 &c., they of course tear up the street and it takes away the general surface of the street. Q. Is that a frequent thing the opening of Broadway by these companies? A. Yes, sir; and has been to my knowledge for some time. Q. Both in crosscuts and long cuts? A. Yes, sir. Q. When, in your judgment, will Broadway need repaving, in the ordinary course of business if there is no horse railroad on it? A. When will it need repaving? Q. Yes, within how many years. A. Well, according to the wear and tear that has been on it since it was laid, which was fifteen years ago, I think it will last ten years more. Q. Then you would expect, in the ordinary course of business, that it would have to be relayed the whole length of it? A. Yes, sir. Q.
- 2347 Is the Broadway pavement more used than any other pavement in the city? A. As a general thing, I think it is, there is a great deal more travel along Broadway than any other street in the city. Q. When Broadway is repaved do you expect to have new granite blocks? A. Yes, sir; new blocks. Q. You can't turn the old blocks over? A. No, sir; there is not enough space to redress it.

Commissioner Harris: Can't you use the other side? A. No, sir; there is no bearing point; there must be a flat place on it, and that is all round now.

Commissioner Harris: Those blocks are all made simply for one edge? A. There is a top and a bottom to all paving blocks. Q. That is as you receive them, there is a top and a bottom to them? A. Yes, sir; there is a top and bottom to them; they could have been relayed or reversed when they were first put there, but it would not do now. Q. That is what

I understand and the Commissioners understand, 2348
 that there is now no distinct top and bottom? A.
 Yes, there is a distinct top and bottom, there is to
 all paving blocks; they are wider on the top than
 they are on the base, as a general thing. Q. When
 these are worn, as they would be, say in ten years
 or more, then in your judgment they are not fit for
 repaving? A. Without redressing, no; they would
 have to be redressed.

Q. That is squaring them? A. Cutting off the
 round portions. Q. To do that they would have to
 be taken away from Broadway? A. They would
 have to be taken away from Broadway, yes; you
 can't make a quarry of Broadway. Q. You have
 spoken about complaints being made with reference
 to these gutters or gullies in these different streets; 2349
 is it the habit of your Department to attend to them
 as soon as they can, with the means at their dis-
 posal? A. Yes; we are now in this season when it
 is difficult to make repairs, but when the weather
 permits we have certain men who go around to at-
 tend to these repairs at once, in dangerous holes.
 Q. How often do you go over the streets for the
 purpose of repairing them, I mean, how long since
 you have been doing any work in West Broadway?
 A. We have a Board of Inspectors that is all
 the time going through the streets looking up these
 places, and we receive from every precinct on every
 Monday morning complaints—they make a general
 complaint through the orders of Mr. Walling. Q.
 And then what do you do? A. We mend them im- 2350
 mediately, if is in a dangerous condition to life or
 limb, we send and have it repaired at once; other-
 wise we leave it until the Spring comes on and then
 repair it with the general repairs. Q. So that your
 business is carried on with all reasonable speed as
 far as you understand it? A. Yes, sir. Q. Are you
 limited in the amount of expense? A. We are; we
 endeavor to do those repairs and keep the city in
 perfect good order. Q. How large a force is there
 on the Street Paving Department? A. in the busy
 season? Q. Yes. A. We have from 400 to 500 men
 made up of gangs, and each gang consists of from
 eight to ten men, with two pavers. Q. And they are
 working in different portions of the city? A. Yes,
 sir; all the way from One Hundred and Thirtieth
 Street, Harlem Bridge, to the Battery, on the east
 and west sides; I had them located last year as
 high as One Hundred and Twenty-eight Street.

2351 *By Mr. Bright :*

Q. You spoke about writing a letter to the Twenty-third Street Company? A. I didn't write it; the Water Purveyor wrote the letter—Mr. Culver. Q. Why should you call upon them? A. Simply called upon them to keep that in repair. Q. Do you pretend that there is any law or requirement whatever that the Twenty-third Street Railroad Company shall repair the pavement in Twenty-third Street? A. I don't assert any such fact at all. Q. I assure you that there is not anything of the kind, and the Courts have held that there is no such duty, and it is your duty to know it.

2352 *By Mr. Fuller :*

Q. Mr. Birdsall, what is the size of a granite block? A. From 8 to 12 inches in length, from 3½ to 4 inches wide and from 7 to 8 in depth. Q. About 8 inches in depth? A. Yes, sir; from 7 to 8; they used to be from 7 to 9; and the Commissioner altered that specification from 7 to 8 inches in depth. Q. Do you consider the travel over Broadway below Fourteenth Street is as large as it is above Fourteenth Street. A. Well, I should think a great deal more. Q. These blocks eight inches in depth have been used, you say, about fifteen years? A. I think it was fifteen years ago that Mr. Gidday paved Broadway. Q. Have you any idea how much they are worn away? A. Well, I found some of them worn away to the depth of three or four inches when we took them up last season. Q. Four inches in fifteen years? A. From three to four inches. Q. In fifteen years? A. Yes, sir. Q. And you think they will last ten years longer? A. Yes, sir; I think they will. Q. Then the average wear on one of these blocks would be twenty-five years about? A. About that, yes, sir. Q. You say that the rut on the side of the rail above Fourteenth Street wore out to the depth of about three inches in one year; A. Yes, sir. Q. Then if a block is eight inches deep there is only about five inches remaining? A. That is about all. Q. How do you account for that? A. How do I account for that? simply because the travel is all the time running there instead of running over the entire surface of the street. Q. Then you have twenty-five times as much travel in the rails as you do where there are no rails? A. Yes, sir, they all pitch for the rail. Q. That is all vehicles, stages and

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everything else drive right for the railroad? A. 2354
 They go right for the railroad track because that is
 the easiest way for them to travel. Q. They prefer
 that to the plain pavement? A. They prefer that to
 the plain pavement because it is a good deal
 easier for them to pull their luggage with the wheels
 in the track, and that brings that rut there. Q. I
 want to ascertain that fact, because forty nine-fif-
 tieths of the testimony has been right the other way?

By Mr. Bright :

Q. If you knew the law required any company
 that ever got in Broadway to keep the nineteen
 feet of the pavement in perfect repair, would you
 change your opinion of the desirability of a railroad
 in Broadway? A. I think it would be quite a help
 to the city if they kept that much in repair. Q. If 2355
 you knew a company that would do that you would
 be very glad to see them there? A. I should not
 have any objections.

By Commissioner Harris :

Q. How far is this rut from the rails? A. From
 eighteen to twenty inches. Q. What is the size of
 these blocks that Broadway is paved with? A.
 From eight to fourteen inches in length ; the first
 specification under which the granite blocks were
 laid was modified. Q. How are they laid now? A.
 From eight to fourteen inches in length. Q. And
 how wide? A. From three and a half to five inches
 in width. Q. And how deep? A. I think from
 seven to nine inches in depth ; I think that was the
 original specification at the time Mr. Gidday paved 2356
 Broadway. Q. They are not all uniform? A. No,
 sir ; they are not all uniform ; it would be almost
 impossible to get them in quarries like bricks.

Recess taken.

JACOB SHARP, called as a witness on behalf of
 Mrs. Boreel and the Board of Trade and Transporta-
 tion, being duly sworn, testified as follows :

By Mr. Beaman :

Q. Mr. Sharp, where do you reside? A. I reside
 in the city. Q. Whereabouts? A. 326
 Twenty-third Street. Q. 326 West Twenty-third
 Street? A. Yes, sir. Q. How did you come down-

- 2357 town to-day? A. How did I come down-town? Q. Yes. A. I came down in a carriage. Q. Down what street? A. Do you want to know the exact route? Q. Yes. A. Do you want to know the entire route I took from my house? Q. Yes; the carriage came to your door for you, I suppose? A. Yes, sir; I went from there to the foot of Twenty-third Street to my office, and from there I came up Twenty-third Street to Tenth Avenue. Q. Tenth Avenue? A. Yes, sir; and then I drove down Tenth Avenue to Twenty-second Street and across Twenty-second Street to Seventh Avenue; and down Seventh Avenue to Greenwich Avenue, down Greenwich Avenue to Sixth Avenue, down Sixth Avenue to—what is the street on the north side of Washington Parade Ground? Q. Waverly Place? A. 2358 Yes, Waverly Place: I took Waverly Place up to the centre—to the centre of the Parade Ground.

Mr. Bright: You mean the square?

- The Witness:* Yes, the square; I then crossed that to Fourth Street, then from Fourth Street I went to Broadway, and then down Broadway to Chamber Street. Q. Why did you go through Twenty-second Street from Tenth Avenue instead of Twenty-third Street? A. Well, I don't know; I didn't direct my driver. Q. You don't drive your own team? A. No, sir. Q. Do you usually do that? A. Usually do what? Q. Go through Twenty-second Street instead of Twenty-third? A. Well, it is not very often that I start from that point to come here; I don't know that I ever did it before. Q. Are you in the habit of giving your driver directions to avoid horse-car tracks? A. No, sir. Q. 2359 He did it this morning? A. He did it part of the way. Q. Didn't he do it as much as he could, substantially? A. I don't know that he did. Q. Can you tell any better way that he could come down? A. Oh, no; he took the car-track from Twenty-second Street and Seventh Avenue down to Waverly Place. Q. But he didn't drive in the car-track? A. He might have avoided that. Q. The avenue is pretty broad there, is it not? A. I don't know about its being wider than other avenues are. Q. How far is it between the car-tracks and the curb on Seventh Avenue? A. I don't know the exact difference, but I think they are all about the same. Q. Did he come down any other street in which there was a horse-car track except that? A. He could

have driven—— Q. Did he come down on any other street in which there was a horse-car track except Seventh Avenue? A. No, he didn't come down any other except—yes, he came down a short distance. Q. Yes, for a little ways? A. Yes, and all the way through Greenwich Avenue. Q. That is a wide avenue, is it not? A. No, that is not a wide avenue. Q. Did he follow the track there? A. Yes, sir.

Q. Mr. Sharp, how long have you been connected with horse-railroads in the City of New York? A. Since about 1862. Q. You have had to do with the building of several railroads and the equipping of several railroads? A. Yes, sir. Q. What roads have you particularly had to do with? A. What do you mean, in the way of building? Q. Yes, sir. A. Well, I built the Broadway and Seventh Avenue, the Dry Dock and East Broadway, the Forty-second Street and Grand Street Ferry, the Bleecker Street, the Twenty-third Street, and the Christopher and Tenth Street. Q. I will say to you, Mr. Sharp, if, in the course of my examination, you feel worried, or for any reason want me to stop on account of your health, or state of mind, that I will gladly do so. A. Oh, go right on; I guess there won't be any need. Q. Mr. Sharp, what have you to do with the Broadway Surface Railroad Company? A. Well, I am a subscriber to some of the stock there, and one of the promoters. Q. One of the promoters of the enterprise? A. Yes, sir. Q. And were one of the parties interested in obtaining the passage of legislation at Albany, I suppose, under which they are now seeking and claiming their rights? A. I was a party interested in seeing that a bill was passed, and that a bill did not pass that interfered with the rights of the roads I was interested in; I had no bill before the Legislature at all; the bill that passed that authorized the building of this road on Broadway now, I believe, was a bill gotten up by the State Railroad Commissioners. Q. This general law? A. This general law; yes, sir. Q. You have heretofore, in various ways, sought to obtain legislation at Albany by means of which you, and the parties interested with you, would get a railroad on Broadway, haven't you? A. Yes, sir. Q. How long have you been trying to get a railroad on Broadway—a horse railroad? A. Well, I tried several different times. Q. When did you begin? A.

- 2363 I began in 1852, I think, here—not at Albany—here with the Common Council. Q. You began with the Common Council in 1852? A. I think it was 1852; yes, sir. Q. Have you been trying ever since whenever you saw an opportunity? A. Oh, no, sir. Q. Have you ever got discouraged about it? A. I don't know that I ever got discouraged. Q. Did you find great opposition? A. I found opposition, of course, Q. Have you been trying at Albany ever since? A. No, sir; not for several years; I tried at Albany three different seasons, I think, to get a bill, before the amendment of the constitution; the power then was in the Legislature at that time; I tried three different seasons to get a bill passed for a railroad on Broadway. Q. What years were they? A. Well, I forget. Q. As early as 1865? A. I think
- 2364 so; I am not sure. Q. Mr. Sharp, is there anybody that knows more about the plan of this proposed Broadway Surface Railroad Company, with reference to Broadway, if it could get the right to build a road there, than you do? A. Well, I don't know. Q. Do you know of anybody? A. I don't know as there is; I am not an officer of the road. Q. You are a director? A. No, sir. Q. Only a stockholder? A. Only a stock subscriber. Q. Do you know of any one that is connected with it that knows more about it than you do; if so, please name him. A. I don't know that anybody knows more about it than I do. Q. Nor any one that has more to do with it or say about it than you? A. Well, I don't know as I can say that; I am one of the promoters of the road, and have a great deal to say about the matter. Q. Mr.
- 2365 Sharp, I would like to know what kind of a road you propose to build up Broadway if you get permission to do so; it is to be a horse-railroad in the first place, is it? A. Yes, sir. Q. How far are the tracks to be apart? A. Well, they are to be four or five feet; the two tracks you mean? Q. Yes. A. Yes, from four to five feet. Q. When will they be four and when will they be five feet apart? A. In the narrowest part, down near Trinity Church, I think they will probably be four feet apart.
- Q. If you have plenty of room, you would like to have them five feet apart? A. We usually lay them five feet; we sometimes lay them more; they are laid in some places in the city as close as $3\frac{1}{4}$ feet. Q. And then the tracks themselves are how far apart? A. Four feet eight inches. Q. The inside

of the track? A. That is the gauge—inside of the 2366
tread of the rail. Q. Inside of the tread of the rail?
A. Yes, sir. Q. That is the width of the pavement,
so to speak—the pavement, for instance, will be four
feet eight inches between the rails, will it not—four
feet eight inches wide between the rails, as I under-
stand it? A. No, sir; the pavement does not come
up to the gauge. Q. How wide will the pavement
be? A. There is to be room between the pavement
and the tread for the flange of the wheel to go in
the rail or else you could not keep the cars on the
track. Q. How wide will the pavement be, if it is
in the ordinary way, the same as it is on Broadway
between Seventeenth Street and Twenty-first Street?
A. Well, the pavement would be three inches less;
as it is in Broadway now, you mean? Q. Yes, above 2367
Seventeenth Street, between Seventeenth and Twen-
ty-first Streets? A. It would be three inches nar-
rower. Q. The pavement would be narrower? A.
The pavement would be three inches less than four
feet eight and a half inches. Q. That is, the track
will be how wide, each track? A. The tread of the
track is usually two inches. Q. How wide is the
whole track—that is the iron part? A. Five inches,
Q. Then there will be ten inches of iron, and four
feet five and a quarter inches of pavement, if I un-
derstand you? A. Well, you must figure it out;
you can't expect me to get down to figures; I am
giving you the exact measurement between the
gauge. Q. Have you any improvement in the mat-
ter of track which you propose to put down on 2368
Broadway below Fourteenth Street, any different
from what exists in the track on Broadway between
Seventeenth Street and Twenty-first Street? A.
Yes, sir. Q. What things? A. We propose to put
down the tracks with iron ties. Q. Iron ties? A.
Yes, sir; in order to save the concrete; below Four-
teenth Street there is concrete under the pavement,
and above there is none; we propose to not break
the concrete at all, and therefore to put iron ties on
their edge like this (indicating). Q. Right on the
concrete? A. Well, they don't touch the concrete
at all; here, for instance, is a timber where the rail
is (indicating), and the iron ties are in this position
(indicating), and put that way to save the concrete,
not to break it up; that makes it more permanent
and better. Q. Makes it a more permanent struc-
ture, and in that way it would be more steady than

2369 the Broadway track on Broadway as it now exists?

A. I don't know that it would be any more steady than the Broadway track is there now; that is steady enough. Q. You want to make this change simply to save the concrete?

A. Well, it makes a better structure; it does not have to be taken up and repaired so often as it would have to be on the soft ground; to put in wooden ties, that are usually five by seven, and laid right across the track for the fore and aft timber to lay on, you would have to break up the concrete; in order to get them in, you would have to break up the entire concrete. Q. Do you intend to keep the wooden stringers?

A. Yes, sir. Q. The fore-and-aft pieces?

A. Yes, sir. Q. Is there to be any other difference underground than

2370 what you have mentioned?

A. No, sir; not under ground. Q. Is there to be any difference above

ground? A. We expect to put in a grooved rail that is different from anything that has been laid heretofore. Q. Different from anything that is

used in the city? A. Different from anything that is used in the city. Q. Can you bring us a sample

of it? A. No, sir; I cannot bring you any sample of it. Q. Haven't you got any of it? A. The rolls

are yet to be made to make it. Q. Can you make us a drawing of it? A. The rolls are a very expensive part of it. Q. Can you show us a section of it

on a diagram? A. Yes, sir. (Witness makes a diagram.) Q. Will you also make a section of the

present rail that you are using on the other street

2371 roads? A. Yes, sir; I am not much of a hand at

drawing; that (indicating) is the present rail, and that (indicating) is the other rail.

Q. The one is the bearing rail? A. Yes, sir.

Q. And the other you call the grooved rail? A. Yes, sir.

Mr. Beaman: This drawing made by the witness I will have marked for identification.

(Diagram marked "Ex. A for identification," introduced by Mr. Beaman "February 11th, 1885. G. C. A.")

Q. That grooved rail that you have drawn there, has that ever been used in the city, or a rail substantially like it?

A. Similar to it. Q. Whereabouts?

A. They are used in a great many places; you will see it similar, though not like it, in different places.

Q. Where is it in use now? A. You will find a piece at the end of every switch. Q. Is it used any-

where else? A. You will find it, a similar one, in every curve. Q. Anywhere else? A. Yes, sir. Q. Has it ever been used as part of the main track of a city horse-railroad? A. It has in some few instances, similar to it. Q. Where? A. I have one in Tenth Street. Q. Between where? A. Between Avenue C and Avenue D; it is in front of what is called the Houston Street, West Street, and Pavonia Ferry Railroad depot. Q. How long has it been in use there? A. Two or three years. Q. Have you ever had it anywhere else on any of your railroads? A. Not used as a separate line; the reason it is put there is because it is a very great convenience on account of the castings that go into that depot. Q. Have any of the other horse railroads ever used it on their lines? A. Oh, yes, sir. Q. I don't mean in switches, but on some main line. A. No, sir; there may be some few feet here and there where it is used on a straight line, but none that I know of. Q. Is it used in any other cities, to your knowledge? A. Oh, yes, sir. Q. Whereabouts? A. Not as a straight line. Q. Then its use as a straight line, or its value as a straight line, has never been tried? A. I have tried it, as I told you. Q. Only in that place? A. Yes, sir. Q. And only to that extent? A. Yes, sir. Q. And in no other railroad, as I understand you? A. I don't know. Q. But to your knowledge it has not? A. To my knowledge, I don't know of anybody using it to any extent. Q. So that this, then, will be an experiment to that extent on Broadway? A. Oh, no; anybody who knows anything about a railroad would not say so; it is not an experiment at all. Q. Why haven't you put it on your other tracks? A. Because it was not necessary. Q. Why is it necessary on Broadway? A. Well, I don't know that it is really necessary, except we are bound to put the very best thing there that will make the least objection to other vehicles. Q. And you think that will be less objectionable than any other rail? A. Yes, because they can pave right up on both edges of it, and make the pavement perfectly level, so as to make it impossible for anything to get into that rail that will interfere with travel. Q. You think that will be better than the one you are now using? A. I mean to say the rail is no better for the cars to run on; it won't carry passengers any better than our rail that we are now using will, but it cannot interfere with any other

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2375 vehicle ; that is the reason we propose to put it there, because we agreed to construct the road according to the best and most improved plan.

Q. Where have you agreed to that ; whom have you made that agreement with ? A. We have agreed with the City. Q. You refer to that agreement— A. We have given a bond that we will perform what we agreed to. Q. You refer to the agreement that you have put in evidence here ? A. Yes, sir. Q. You have no other agreement with anybody else except that ? A. No, sir. Q. And there is nothing else binding upon you except what is in that agreement that you know of ? A. No, sir ; whether there is anything to bind us or not, we intend to do it. Q. You agreed to do whatever is in that agreement, and that is all ? A. We will do just what I tell you here now, whether that is in the agreement or not. Q. Do you mean to say that you are the boss of this railroad, and whatever you say will be done ? A. I don't say that at all. Q. What do you mean ? A. I say probably there will be done what I say ; I don't say I am the boss of it at all. Q. Will it be just as easy for the cars to run in these tracks as in the tracks which you are now using in other parts of the city ? A. Yes, sir. Q. Just as easy ? A. Yes, sir. Q. Is there any reason why these rails should not be put down, then, by the railroad companies in other parts of the city ? A. Well, the cost is more, that is all. Q. Nothing else but the cost, is it ? A. No other reason. Q. 2377 Do you mean the cost to make or the cost to keep in repair ? A. The cost to make and keep in repair. Q. Are they iron rails or steel rails ? A. Steel rails. Q. What do they cost per ton ? A. One would be just as well as the other for the time being ; iron is just as good as steel for the time being, but they won't last as long. Q. But iron rails and steel rails are about just the same price to-day, are they not ? A. Well, there is a little difference. Q. Are the rails of any of the existing railroads in the city of steel ? A. Pretty much all of steel ; there are some not steel. Q. Mr. Sharp, don't you think that this track that you have spoken of, in Winter, will be filled with ice, and that water will get in it and freeze up and bother the cars, and that in Summer it will fill with dirt and bother the cars ? A. No, sir. Q. You don't expect any trouble ? A. No, sir. Q. Mr. Sharp, the same wheels

that run on the other tracks now would run on this track, and track into it—the same car-wheels? A. 2378
 Oh, yes, sir. Q. That is, you can run a car from any other track right into this track, and it will go right along in this groove? A. Oh, certainly. Q. The part that rests, as I understand it, on the upright part of the rail, will, in this case, rest on the flange of the rail? A. Oh, no, no, no. Q. How does it go? A. There doesn't anything rest on the flange on any kind of a rail on either of the roads; the groove is put there for the flange to go into to keep the car from going off the track; there would be nothing there to keep the car on the track unless the flange was there on the wheel. Q. Where and what is the bearing part of the wheel? A. Well, that is what they call the tread of the wheel, it is about two 2379 inches. Q. And the flange is inside of that? A. Inside; yes, sir. Q. That tread of the wheel in the ordinary track is on the top of the track on the T part—the upper part—as it is called, where you are running the car on an ordinary track in this shape; the tread is on that top part of the track? A. Yes, sir. Q. Where is it when you are running in this grooved rail? A. Why, on the outside part. Q. Where, in the ordinary track, does the flange that goes in this groove, go? A. For instance, this is the track; the wheel sets on there, and here is the flange, which comes right down here (indicating). Q. As I understand it, then, the outer part is on the outside of the groove? A. Yes, sir. Q. And the groove is simply to contain that part of the 2380 wheel—that is, the flange of the wheel—which in the ordinary track goes against the side of the track? A. Yes, sir.

Commissioner Harris: Do I understand that this groove is in the centre; I notice that in Forty-second Street there is a groove in the track there.

The Witness: Yes, it is something similar to that.

Q. But on the inside of this track nothing whatever bears—it is simply spare metal that you have there? A. It is put there to fill up; here (indicating) is the pavement, and it comes up to there (indicating); it is meant to fill up, so that a vehicle cannot get in there. Q. And they will pave right up to the top of the rail? A. Yes, sir; the opening now with the centre bearing rail is on either side of the rail; but with the other there is no opening between the iron and the stone at all; it is in the iron

- 2381 itself. Q. The stone is paved right up flush to this new rail? A. Yes, sir. Q. This, you think, will be a better rail than anything that really exists in practical use in the city? A. It will be better for this reason—it does not interfere with the wheels of other vehicles at all; they cannot get into it; they can drive over it at any angle or in any shape, and they cannot get in it; it isn't any better for the railroad company, or any better for the people who ride in the cars; but it is better for those who are driving other vehicles in the streets. Q. You recognize the fact, then, that the ordinary railroad track in the city is some obstruction and trouble to other vehicles? A. Very little; I don't think any of them are any obstruction; they are all very good.
- 2382 Q. You don't think any of them are any obstruction? A. No, sir; I do not. Q. And then this thing of changing this rail is only something really of fancy, and is of no real practical benefit? A. It is to satisfy the public and the people that say that the rail is going to take in all the vehicles that come along, and break their axles and all this sort of thing. Q. But you really don't think it is going to be any better than the other one? A. Now, there cannot be any dispute between us, for you can't get into it. Q. But you don't think that this will really be any better than the other one? A. No, sir; I don't myself; no, sir. Q. Mr. Sharp, how much will it cost per mile to lay such a track as you propose from the Battery to Fourteenth Street, double track? A. I don't know; as it is a new way of laying I have never made any estimate as to what it
- 2383 would cost. Q. How much would it cost if it was laid in the old way, the same as you lay it in other parts of the city? A. In other streets that had no concrete bottom—and then it depends upon the size—if you lay 62 lbs. iron, I think you could lay it there for from \$11,000 to \$12,000 a mile. Q. That would include the laying of the track and putting down of the sleepers, &c. A. Yes, sir, and steel track, at the present prices. Q. You could lay an ordinary track, such as you have in Broadway, between Seventeenth Street and Twenty-first Street, double track, and with the sleepers and cross-beams that you have there, and have it of steel, and the ordinary sized rails, for \$11,000 to \$12,000 a mile? A. The ordinary sized rail runs from 40 to 60 lbs. Q. Make it the heaviest sized rail. A. Well, I did

say 62 lbs. Q. How much, in your judgment, will it cost, per mile, to lay a track such as you are talking about up Broadway? A. I don't know; my impression is it would cost—I don't know; I have never put any figure on it, or made any estimate on it all; my impression is it will cost over twice as much, and may be three times as much. Q. You can get iron rails, rolled any shape you please, at the same price per ton, can't you; they would not cost you any more per ton, would they? A. Oh, I beg your pardon. Q. You need not; if you know, that is one thing; but is it not the fact that you can go and get steel rails rolled for a certain price per ton, whatever the template is? A. You can get any kind of rail almost—any that I have seen you can get—no trouble about that. Q. At the same price per ton? A. No, sir; it is quite a great difference between the rails of steam railroads and street railroads. Q. How many dollars per ton? A. Well, \$8 or \$10 per ton. Q. Difference in price? A. Yes, sir. Q. Which costs the most? A. The street rail; they have to be punched to spike them down. Q. But besides those additional holes that have to be made, is not the price the same? A. I don't know; I never bought any without the holes, so I cannot tell you; I don't know anything about that.

Q. Mr. Sharp, did you ever know any difference to be made in the price of steel rails on account of the template or shape of the rail—ain't they always made at a uniform price per ton? A. Well, there is this further: if you want any pattern that is not in use it will cost you more than any pattern that is in use. Q. All they have to make, then, is the new rolls? A. Yes, sir; and that is the most expensive part; for instance, it would cost for a new pattern on Broadway—say from Union Square to the Battery—it would probably cost as much to get the rolls first as the rails would cost for that distance of any other pattern where there were rolls made. Q. How much would the rails cost on Broadway of the ordinary pattern, 60 lbs. to the foot? A. Well, I suppose you can get them now for about \$33 or \$34. Q. \$33 or \$34 steel rails? A. Yes, sir. Q. How many tons would it take per mile? A. Depends upon the size. Q. 60 lbs. to the foot. A. Well, I don't know without calculating; I don't know. Q. Do you mean to say that to change the shape of those rails

- 2387 from the old pattern to the groove, though there was only the same amount of steel in them, it would double the price? A. I think there would be more steel in them, but if there was no more, and they are different from any pattern that you can find, they will cost more than double to get the amount of iron necessary to lay the rails from the Battery to Fourteenth Street than it would for the others where the rolls were already made. Q. But you have got these patterns already—you have had some rolled? A. No, sir; not like that—similar I said; I said that I had something similar to that. Q. Then, your judgment is that these rails will cost \$60 a ton instead of \$30? A. Excuse me until I explain it to you; I have a piece I have in front of that depot
- 2388 which is somewhat similar; I had that made entirely level; this usually is made with the inside higher than the tread in order to make curves with it, as the flange has more hold on the inside; this piece I have in Tenth Street; I had the inside planed off and I could not tell what the expense would be to get it in that shape, because that was no small amount and had to be planed off; it would cost probably more than the iron was worth without planing. Q. You have got no bids for these proposed rails? A. Oh, no, sir. Q. Haven't inquired into the market? A. No, sir. Q. Haven't gone so far about it? A. No, sir; it would not do to be put to the expense to have rolls made of iron or steel rails until you know you are going to put them
- 2389 down there. Q. And therefore you have no definite knowledge, but are only speaking in a general way? A. Yes, sir. Q. Mr. Sharp, if I understand you, you say it will cost somewhere about \$22,000 a mile for a double track road of this plan that you have been talking about on Broadway from Fourteenth Street to the Battery? A. Well, I have no definite idea as to what it will cost; I have never put a figure on it—not a figure; I have not thought of it, until you spoke to me about it, what it will cost. Q. Can't you form an idea whether you think it will cost more than that? A. Well, I couldn't do that; I would have to go into a calculation; it is mere moonshine whether the difference will be 20 or 40; we intend to make it a first-class road. Q. What do you say about moonshine? A. We intend that a difference of 20 or 40 would not make any difference in our calculation to make a first-class road.

Q. I know you intend to build it, but I want to know what it will cost you? A. I told you three or four times I don't know; I told you what the ordinary rails will cost laid in the ordinary way on any street where there is no concrete bottom and where we have not got to do as in this case. Q. You don't propose to take the concrete bottom up? A. Of course we don't, because in the first place it is not near so solid after it is down; but we are going to an extra expense in order to save it; we are putting the expense in our iron ties. Q. Mr. Sharp, make a liberal estimate for anything that you think this road will cost you, so far as putting it down is concerned, and furnishing material for putting it down, three miles, more or less, from the Battery to Fourteenth Street? A. Well, that is a thing for me to sit down and make a calculation upon that would be any better than I could do without. 2390

Q. Do you think it would cost \$50,000? A. Well, I suppose it would; I should suppose a little more. Q. How much more? A. Well, I should suppose it would cost \$100,000 to make all the connections and do the whole thing complete. Q. Is that a large estimate, in your judgment; is that enough? A. I should think that would do it. Q. And do it in the best way? A. This is only a rough guess. Q. Of course, I understand; I did not know that you were going to testify, or what you were going to testify about, but we are only getting your impressions from such experience as you have had. A. My experience don't help me in anything I don't know anything about; now, I don't know anything about this—I have never run against anything of the kind before. Q. This is rather different from any problem you have ever had? A. It is different from any other street railroad that is laid in this city, or any other that I know of—entirely different. Q. \$100,000 then is your estimate? A. Yes, sir. Q. Just one other question about the track; how are you going to tie the track down to these cross stringers? A. Which track, the rails? Q. Yes. A. Bolt them down. Q. Where will the bolt be, in the groove? A. There are various ways of putting the bolt in; they always used to, in days gone by, put the bolts in this way (indicating). Q. Put the bolts in on either side of the rail? A. Yes, sir; but since the centre-bearing rails came into operation, they are put in the depressions or grooves? Q. They put 2392

2393 the spike in the depressions or grooves? A. Yes, sir.

Q. You speak of this what you call the grooved rail, such as you propose to put on Broadway, as something that you yourself used; then, is that an old rail? A. No, sir; oh, no, sir; I said they used to put the spikes in rails before they got the centre-bearing rail—they used to put them in the side, as I described to you there. Q. Make such a rail as you used to use before you used this centre-bearing rail?

A. They used to use all kinds of different patterns, among others what they called the Philadelphia pattern. Q. Just draw the Philadelphia pattern on this same slip of paper marked "A" for identification, this date. (The witness does as requested.)

2394 That is what is known as the Philadelphia pattern (indicating). Q. Draw the grooved rail, as you call it. A. That is it (indicating), and in both of them they used to put in spikes in this way (indicating).

Q. This (indicating), is the old grooved rail? A. Yes. Q. What do you call this—the Philadelphia pattern? A. That is what they call the Philadelphia pattern.

Mr. Beaman: The drawings of the Philadelphia pattern and of the old grooved rail are also upon the paper marked "Ex. A" this date.

Q. Has that old grooved rail been in use in this city?

A. Oh, yes, sir. Q. And been given up? A. Yes, sir. Q. How was that, as affecting travel on the road—general travel; was it better than what you call the centre-bearing rail? A. Well, about the same. Q.

2395 Why did they give it up? A. Because it bent out and rolled over, as the bearing was all on one side.

Q. All the bearing came on one side of the timber?

A. Yes, sir. Q. And it will be just the same in this new rail, won't it? A. No, sir. Q. Ain't the bearing on one side as in that other rail? A.

Yes, partially on one side, but you see the one side is wider than the other—intended to be a great deal wider than the other. Q. The picture don't make it so? A. Well, it is intended to be so. Q.

It was wider on one side than on the other rail? A. Yes, but the tread was just the width of the wheel, so that it was all on one side—the weight. Q. That rail was given up as impracticable? A. No, sir.

Q. Well, why did they give it up? A. Because the other was cheaper.

Q. That is what horse-car people do—get the cheapest things? A. Some do it—some have to get

the cheapest things in order to keep alive—to keep 2396
soul and body together. Q. Has that been your ex-
perience in the roads you have been interested in?
A. In some of the roads I have been interested in,
and we could't make it go at that. Q. Mr. Sharp,
having got the track down on Broadway for \$100,000,
how many cars do you think would be needed to
operate it? A. Well, I don't know. Q. Ever
thought of that? A. I don't know; I think that
through the day we might be able to work fifty cars.
Q. Fifty cars during what time of the day? A.
Well, from eight o'clock until seven o'clock. Q.
Do you think that fifty cars from eight o'clock in the
morning until seven o'clock at night will do all the
work that you can do? A. Yes, sir. Q. You don't
think there is going to be such a rush for these 2397
cars? A. I couldn't say; they will go every min-
ute—minute headway—and that is closer than you
imagine; that is very close. Q. That is your idea,
that 25 cars on the track at a time going each way
will carry all the people that will want to be car-
ried? A. Yes, sir; and after that I think that one-
quarter of that number will carry all that there is—
from eight o'clock at night or from seven o'clock at
night until eight o'clock the next morning. Q.
Then you don't think there will be much for your
cars to do before eight o'clock in the morning, or
after seven o'clock at night? A. Oh, no, sir. Q.
And the main part of your business that you will
get then will be between eight o'clock in the morn-
ing and seven o'clock at night? A. Yes, sir. Q. 2398
How many do you think you will accommodate dur-
ing that time? A. Our business is to accommodate
everybody that wants to ride. Q. But I want to
know how many you think you can accommodate?
A. Of course there is no man living who could tell
who will come there after the cars run, and there-
fore I cannot tell you how many cars are going to be
on, but fifty cars would go on that road as fast as
you could turn the cars around; you can't turn
them in less than a minute—you can't turn them in
less than that. Q. Then it is not possible for you
practically to run any more than fifty cars on Broad-
way from Fourteenth Street to the Battery? A. No,
sir. Q. Then whatever the demands of travel should
be you could not do any more than that? A. They
will carry all that you ever see on Broadway. Q.
But suppose we want to carry more than we can see

- 2399 on Broadway? A. Well— Q. Then you don't think there will be any possibility of your railroad being able to run more than fifty cars on it? A. I don't think we can run more; they will carry a great many people. Q. Will they carry all the people, without any doubt? A. I have no doubt that fifty cars will carry all the passengers we will ever live to see on Broadway. Q. I want to know this, as to whether taking Broadway as it is to-day it would be practicable, if you had your double track down there, to run more than fifty cars, that is twenty-five each way at a time, running right up and down? A. We could go faster though by making a separate terminus—a separate place to turn, and we could put on perhaps half more. Q. Then 75 cars is all that
- 2400 it is possible, in your judgment, to run on Broadway—horse-cars? A. That is all, in my judgment, that it is possible to be used, with all the people that you can crowd in there. Q. Suppose you have fifty running on Broadway between those hours—eight o'clock in the morning and seven o'clock in the evening—what interval of time will they be apart; what headway will you give, if that is the number? A. Please repeat that question. Q. Suppose, Mr. Sharp, you got this road down, and are running fifty cars on it, without talking about the up-town connection beyond Fourteenth Street, and are running your cars as fast as you can in the ordinary course of business, what headway would each car have over the other? A. Minute headway.
- 2401 Q. What is your idea of the time it will take a horse-car to go from the Battery to Fourteenth Street, if it met with no obstructions? A. Why, it would take—I forget the exact time now, I had that figured out, I don't know now exactly what it would take—yes, it would take just twenty-five minutes to get down. Q. From Fourteenth Street to the Battery? A. Yes, sir. Q. That is, assuming there were no obstructions and they went along in the ordinary way? A. Yes, sir. Q. You mean going as fast as they do say from Fourteenth Street to Thirty-fourth Street? A. Yes, sir.
- Q. If your cars go then as fast as they go now from Fourteenth Street to Thirty-Fourth Street, it would take twenty-five minutes to go down? A. Yes, sir; that is, from Fifteenth Street to the Battery—to the South Ferry—that was my calculation. Q. From Fifteenth Street to the South Ferry it

would take twenty-five minutes? A. Yes, sir. Q. 2402
 And the same time back? A. Yes, sir. Q. About
 what speed per hour do your cars ordinarily go,
 along on the Broadway and Seventh Avenue road
 if there are no obstructions? A. Well, they make
 their trips from the upper end to the lower end in
 forty minutes. Q. That is, from Fifty-ninth Street
 to the Astor House in forty minutes? A. Yes, sir.
 Q. That is your running time? A. Yes, sir. Q.
 And that is the time they would ordinarily make at
 night? A. Yes, sir. Q. I suppose in the daytime
 they go much slower sometimes? A. That is the
 time in the daytime; they wouldn't go any slower
 than that in the daytime; that is the time in the
 day. Q. Mr. Sharp, this interval of a minute be- 2403
 tween the starting of the cars would make what dif-
 ference in space between the cars, supposing they
 were all going along regularly with no obstruction;
 would it be two blocks or three blocks? A. Well,
 I don't know; about an ordinary block above Four-
 teenth Street; blocks are so varying in size this side
 that I couldn't tell you. Q. I heard some witness,
 I think, say to-day that there were some forty
 blocks, if I remember, between the Battery and
 Fourteenth Street? A. Yes, sir. Q. You have not
 gone into that calculation as to how far one car
 would be apart from the other? A. Not exactly.
 Q. These cars, as you propose them, are cars of the
 ordinary size, like ordinary horse-cars? A. About
 that size, yes, sir. Q. Carry how many passengers
 seated? A. Carry twenty-four. Q. Twenty-four 2404
 passengers, seated? A. Yes, sir. Q. Do you know
 how many omnibuses are now running on Broad-
 way? A. I think there are about 250, or somewhere
 thereabouts? Q. 250? A. Yes, sir; I think so.
 Q. That is, running through the different routes,
 going to the different ferries, Wall Street Ferry,
 South Ferry, and Fulton Ferry, and then going up
 in different parts of the city? A. Running by here
 on Broadway. Q. Yes, running by here on Broad-
 way, but of course they are not all on Broadway at
 any one time? A. I don't know the exact number;
 I think it is in the neighborhood of 250. Q. Is it
 your idea that after you have got your horse-cars
 on the Broadway railroad, stages will all be driven
 off, or will they still be there? A. My impression
 is they won't be there. Q. You think that they
 will be driven off, that there will be no more Broad-

2405 way stages A. Yes, sir. Q. And that there will be no more communication with Fifth Avenue by stages up Broadway? A. I don't know anything about that. Q. And that there would be none going up Madison Avenue from Broadway? A. I don't know anything about that. Q. And that there would be no communication with Wall Street Ferry? A. If they got off of Broadway they might run from Broadway to Fulton Ferry down Fulton Street; I don't know anything about that. Q. What makes you think they will be driven off of Broadway? A. Well, they couldn't live there, could they? Q. Why couldn't they live there; they have a perfect right to live there, they have a franchise, haven't they? A. Yes, I suppose so. Q. Why couldn't

2406 they live there? A. Well, I don't think that people would ride in stages if horse-cars were there. Q. Your idea is, that your railroad would kill stages. A. That has been the result, I think, throughout my experience through the country that where railroads came on stage lines had all to give way, and I judge from that. Q. Therefore you contemplate this thing, that after you have got to work you will kill the stages; that is your idea about it? A. Well, I think the stages will live a good while—the stages themselves. Q. You have not taken a contract to kill them; who are you going to kill, the drivers? A. We wouldn't kill anybody; we ain't that kind of people; we wouldn't kill anybody. Q. You ain't that kind of people? A. No, sir. Q. 2407 You are not intending, then, to hurt the stage lines? A. Well, I don't know particularly about that; I don't think we are—no. Q. Why not? A. Well, we expect to buy them off, if you want to get at the fact; that is about the history of it. Q. Is that part of your agreement? A. Agreement with whom? Q. Agreement with anybody? A. I don't know that that is anything pertaining to the case. Q. Have you agreed to buy them off?

The Witness I think when the railroad starts the stages will stop; that is my impression.

Q. Have you made any contract with these stage lines by which you are to buy them off in case you have your own railroad on Broadway? A. Yes, sir; we have. Q. With all of them? A. Yes, sir. Q. Is the contract in writing? A. Yes, sir. Q. What is the date of it? A. Now—

Mr. Bright: That I object to; I don't think that

is material ; he has sworn to the fact, and. I don't 2408
think you can go into all these ramifications ; we
have got the fact and all that is material on this
question before us.

Mr. Beaman : If you will allow me, your Hon-
ors, I will ask several questions that will raise my
exception in different ways.

Commissioner Harris : Yes.

Q. Will you produce a copy of this contract or
one of the originals ? A. I have not got it. Q. Who
has got it ? A. I suppose the secretary of the com-
pany has got it ; I am not sure either ; I don't know
whether he has or not. Q. Have you ever seen it ?
A. Yes, sir. Q. Did you sign it ? A. No, sir. Q.
Was it made before or after the obtaining of the
grant of the Board of Aldermen ? A. After. Q. 2409
After this last one ? A. Yes, sir. Q. Was it made
after the appearance before the Board of Aldermen
of some of these representatives of the stage com-
panies in opposition ?

Mr. Bright : I object to all this as immaterial.

Q. In this contract, have you agreed to buy the
stages and horses ?

Mr. Bright : I object to that as immaterial.

Mr. Beaman : I don't think it is immaterial ; it
is of some importance to know whether these lines
are absolutely to be given up, and in that view I
ask that question.

Commissioner Harris : Well, I understood Mr.
Sharp to say that was the arrangement, that they
were to take the omnibuses off, and, if that is so, 2410
why, then that covers the whole point.

The Witness : I don't know that they will be
taken off of the entire route ; I don't know that
they will be taken off of Fifth Avenue or Madison
Avenue or from the Fulton Ferry to Broadway or
from Broadway to the Wall Street Ferry ; I don't
know that.

Q. But the question is what your agreement is ;
is your agreement to buy the omnibuses and horses ?

Mr. Bright : I object to that as immaterial.

Commissioner Harris : I think we have all that
is material here.

Mr. Beaman : I claim it is material to know
whether they are to be bought absolutely or whether
the parties who own them are to be paid so much
money to keep them off of Broadway.

Mr. Bright : That I object to strenuously as im-
material.

2411 *Commissioner Harris* : I don't see how we can go into this detail ; if we open the door, why, we would have to go into all the details as to this contract which might have been made with A, B and C, and it seems to me the only fact that is of any importance to us is the general fact whether these stages are to stay on or to go off of Broadway ; whether they made any bargain about the sale of the old horses, &c., I don't see that that is material or how we can get into that investigation.

Mr. Beaman : I see the limit that you put, but I see, also, that in another view the inquiry that I make is important in determining what is to happen on these other streets ; now, so far as the contract has been stated by the witness, he has stated it simply with reference to the Broadway part of it ; the moment I come to the other part of it it is left to inference ; this contract probably in terms defines that matter in one way or the other, in such a way that Mr. Bright may draw his inference and I may draw my inference absolutely ; and it is in that view that I want these contracts in, to show what is to be done on these other streets.

Commissioner Harris : I will give Mr. Beaman an exception to that, because we cannot go into those details.

Q. Does this contract that you have made contemplate the taking off of all the stages that run on Broadway as far as Twenty-third Street ? A. As far as what ? Q. Twenty-third Street ? A. No, sir—
2413 yes ; on Broadway as far as Twenty-third Street ; but they will run below Twenty-third Street, I have no doubt, some of them. Q. Run below Twenty-third Street where ? A. Fifth Avenue. Q. Is there anything in the contract about that ? A. Not that I know ; I don't think there is ? Q. In the contract do you buy the horses and the omnibuses ?

Mr. Bright : I think you have got your exception to that.

Mr. Beaman : Well, if I have not, I will take it now.

Q. Under this contract are the stage companies to be paid in stock or money ?

Mr. Bright : I object to that as immaterial.

Commissioner Harris : Yes, sir ; I don't think it is material ; I don't see how we can go into that.

Mr. Beaman : To raise the question squarely—of course some of you parties have a copy of this con-

tract, and I should like to call for it and have it ruled out, and I should not want to subpoena anybody to bring it, because the Commissioners have certainly made up their minds about it. 2414

Mr. Bright: We decline to produce it because it is only for the purpose of producing details that have been excluded, and the objection is not made on the ground that the question did not call for the best evidence.

Q. Mr. Sharp, who has that paper? A. I don't know. Q. Who is the secretary of your company? A. His name is McLean. Q. What is his other name? A. Thomas. Q. Where is his office?

Mr. Bright: I will give you his address.

Commissioner Harris: Put it in such a shape so that Mr. Beaman can get his exception. 2415

Mr. Bright: Yes, sir. Q. Mr. Sharp, have you made contracts with anybody else by which they are to leave Broadway when the horse-cars get on it? A. Contracts with whom? Q. With any other people or company than the omnibus people; have you made any arrangements with the cab drivers to go off of Broadway? A. We have made an arrangement with the Broadway and Seventh Avenue Railroad Company to run the cars on their road. Q. But you have made no arrangement with the cab drivers to get off of Broadway? A. No, sir. Q. Or with truck drivers? A. No. Q. Express companies? A. No. Q. Cheap cab companies? A. No, sir. Q. Nor with anybody else? A. No, sir. Q. You have no contract with anybody about getting off of Broadway except the stages? A. That is all; I don't know that that contract will be carried out now. Q. Why not. A. Well, so far as they are concerned, they have agreed to sell out; that is all; I don't know that the stages will all be taken off the entire length of Broadway; they may run some portion of Broadway to connect with the cars, or something of that sort. Q. Do you buy their franchises and all? A. Yes, sir; their licenses. Q. So that you will be the owners of the whole stage business? A. Try to be. Q. Why did you make that contract or those contracts? A. Well, we wanted to save the stage people as much as we could; we have always done so. Q. You were trying to save them? A. Yes, sir. Q. Whose money were you spending? A. Whose money? Q. Yes, whose money were you spending? A. Didn't spend any money yet. Q. 2416

- 2417 Whose money do you propose to spend in this charitable business of saving the stages? A. The bulk of it will be my own money? Q. Then this is a private contract with yourself and the stage companies? A. No, sir; I didn't say that. Q. Is the Broadway Surface Railway Company one of the parties? A. Yes, sir. Q. Is there any other party to the agreement except the stage companies and this railroad company? A. No other parties. Q. Are you the biggest stockholder in this new company? A. No, sir. Q. Why will the bulk of the money to go to the stage companies be yours? A. I decline to answer that; that is something that don't affect these railroad companies in either way, or the stage companies. Q. Mr. Sharp, what is the capital stock of this Broadway Surface Railroad Company? A. \$1,000,000. Q. How many shares of stock have you subscribed? A. I don't know; I don't remember; it has not all been subscribed. Q. It has not all been subscribed for? A. No. Q. Is the subscription open to the public? A. I don't think it is. Q. Do the books of the company show how much has been subscribed? A. They do, I suppose. Q. Who has charge of those books? A. The secretary. Q. Who? A. The secretary. Q. Has this company created any mortgage or issued any bonds as yet? A. Well, I decline to answer that.

Mr. Bright: Repeat the question.

- (Question repeated as follows): Has this company created any mortgage or issued any bonds as yet? A. No, they have not, neither stock nor bonds.

Mr. Bright: Nor mortgage?

The Witness: Or mortgage.

Q. Do you mean to say, Mr. Sharp, that there has no mortgage been executed by your company to the Farmers' Loan and Trust Company? A. I mean to say there has been no mortgage. Q. And no bonds issued? A. Nor any bonds issued to any company, nor to any party, nor anything of the kind; nothing of the kind has been done. Q. Hasn't your company borrowed large sums of money? A. Not a dollar. Q. Mr. Sharp, at what price is the stock of the Broadway Surface Railroad Company—what is the par value of it? A. They have got no stock. Q. Have issued no stock? A. None whatever. Q. Has the Broadway and Seventh Avenue Railroad

Company recently put a mortgage upon its railroad ? 2420

Mr. Bright: I object to that as immaterial.

Commissioner Harris: That don't make any difference; you cannot go into that.

Exception taken by Mr. Beaman.

Q. When I first asked you whether there was any mortgage on that road you declined to answer; why did you do that? A. I didn't think it was a matter that the general public had anything to do with. Q. No other reason? A. No other reason whatever. Q. Your business is to look out for the general public, I suppose? A. My business is to take care of myself where it is necessary that I should, and here is a place I think I should. Q. You think it necessary here that you should take 2421 care of yourself? A. Yes, sir; when a man goes at me as you do in this case, asking me about things that I don't think relative to this matter at all; I am nothing but a layman. Q. Mr. Sharp, isn't there a contract between the Broadway Surface Railroad Company and the Broadway and Seventh Avenue Railroad Company by which practically all the expense of the business about the franchise of the Broadway Surface Railroad Company is carried on at the expense of the Broadway and Seventh Avenue Railroad Company?

The Witness: Well, I say there is not.

Q. Are you one of the officers of the Twenty-third Street road? A. I am. Q. What is the 2422 length of that road? A. The Twenty-third Street—what do you mean, the Twenty-third Street itself?

Q. These cars that you propose to run are ordinary two-horse cars, are they not? A. No, we don't propose to run the ordinary cars. Q. They are two-horse cars, they are not one-horse cars? A. Yes, sir; two-horse cars. Q. With a conductor and driver? A. Yes, sir.

Mr. Bright: In what respect are they not ordinary cars?

The witness: Well, we expect to get them up a little better than we have gotten up cars before; a little nicer.

Mr. Beaman: Paint them better.

The witness: No, not paint them better than we do some of them, but trim them a little better; this is a street that you all make so much hue and cry about that we want to get up something that is a little extra.

2423 *Mr. Beaman*: But at the same price, five cents fare?

The witness: We can't very well live on less than five cents fare, when you have burdened us as you have; your idea about the value of this is entirely mistaken; this cannot support the Government of the United States and the Government of the State of New York, and the City of New York also on five cents.

Mr. Beaman: Then you don't think this is going to be such a big thing after all?

The witness: I don't think it is.

Mr. Beaman: There won't so many people go up-town on those cars?

The witness: I don't think so.

2424

By Mr. Bright:

Q. State what your view is in that respect, and why you are interested in the establishment of the road? A. One of the great reasons why I am anxious to get this road here is this: I am one of the trustees of the Broadway and Seventh Avenue Railway Company, and if anybody else, any other concern, would get into it it couldn't be connected with the Broadway and Seventh Avenue, and it would destroy that property, and we can afford, rather than to lose that, to pay a little more than it is worth better than lose that road, to get this and connect with them, and that has been the main reason why we have been so anxious to get this road.

2425

Anybody can see that if a railroad is on Broadway here, that nobody is going to get into a car at the Astor House and ride up the back streets here; now, that Broadway and Seventh Avenue Company has got to sacrifice that part of its road. Q. Mr. Sharp, you have not only built the roads that you have named, but you have for many years been actively engaged in the operation of street railroads? A. Pretty much all the time since I first commenced in 1862 or 1863. Q. You have very large experience then in the operation of roads, and determining what is proper and best in the equipment of a railroad? A. Oh, yes. Q. The Broadway and Seventh Avenue Railroad Company, that you speak of, what is the responsibility and standing of that company? A. In what respect? Q. What is its responsibility in standing? A. Its standing is good; you mean in the shape of keeping itself—its credit? Q. In its

ability to establish and carry on any undertaking 2426 that it engages in. A. It has the ability to do anything in the shape of running a railroad from one end of the city to the other. Q. Is it a company of very large pecuniary responsibility? A. Yes, sir. Q. In regard to its officers, what do you know of their qualifications and experience? Q. You spoke of the travel in Broadway being largely confined to the hours of the daytime; what is your knowledge and observation respecting the probable use of Broadway in the night-time and on Sundays? A. I have taken pains to examine it on Sundays. Q. What is the result of your observation? A. The result of my observation is that the travel is a mere nothing at night and on Sundays. Q. Is there apparently any travel whatever on Broadway on Sundays? A. 2427 Mere nothing on Sunday. Q. It is a vacant street on Sunday, is it not? A. Yes, there is not a tenth part from Fourteenth Street down after 8 o'clock, that there is from Fourteenth Street up on Broadway. Q. And no stages run on Sundays? A. No, sir.

By Mr. Beaman :

Q. Mr. Sharp, you say, if I understand you, that your interest in this Broadway road has been occasioned by your desire to keep it for your Broadway and Seventh Avenue road—so that it will connect with it? A. Yes, sir. Q. And that you were afraid that somebody else might get it? A. Yes, sir. Q. 2428 So you have had no interest in it— A. I don't think I said I was afraid, but I said if anybody else got it it would destroy that road. Q. That is, you think then if this Broadway road is built that there won't be any travel on your other road? A. No, sir; not from here to Fourteenth Street. Q. And you expect to take those cars off? A. I don't think they could run there after that profitably.

Q. Is there any contract between the Broadway Surface and the Seventh Avenue by which that shall be cut off? A. No, sir. Q. But you don't expect there will be any business for them? A. I don't expect but very little. Q. And you think that this Broadway Surface road, which is going to be on here, is going to take away the travel from this other road, and that they will have to give that up? A. That portion below Fourteenth Street; the Broadway and Seventh Avenue have another branch that

- 2429 runs down Seventh Avenue; I don't think it will interfere with that. Q. But the road that comes from Fourteenth Street down through University Place to Barclay Street, and to Broome Street, that you expect to be given up? A. I don't expect it will be given up; I don't expect it will stop running, and for this reason: They cannot stop running without some legislation; they have got to run cars there to supply all the wants that may be there, but they may not get anything to do. Q. Practically they couldn't get anything to do, and therefore that line will be paralyzed below Fourteenth Street? A. Yes, sir. Q. And that line will be paralyzed, and people will be coming over here and going up in your new cars? A. Yes, sir. Q. And that you
- 2430 didn't want to happen, so that any other railroad would get the benefit of it? A. We didn't want to get destroyed, certainly not. Q. For instance, if the Fourth Avenue line had got it, why, then you would have been destroyed; is that your idea? A. Yes, any of them. Q. How is it going to affect you so much there on that line; don't people use that line now instead of the stages? A. Which line? Q. Your line that runs down University Place. A. They do use it instead of the stages, yes. Q. Then, if I get your idea about this horse railroad, Mr. Sharp, when it is built there there will be no stages, of course, under your contract, and you will be carrying the people that now ride in these stages, and a great many people that are now riding by your
- 2431 University Place line as far as Fourteenth Street? A. Yes, sir. Q. And the great body of your cars will come down Fourteenth Street and down Broadway, instead of going down University Place? A. Yes, sir. Q. And that is a private advantage that you expect to get by it? A. That is what? Q. That is the private advantage that your Seventh Avenue Company expects to get? A. Yes, I suppose so. Q. And is that the reason that you have been making this fight so long for a Broadway road? A. No; I made a fight before there was any Seventh Avenue road. Q. And when you couldn't get a Broadway road, then you came down University Place? A. Yes, sir. Q. You recognize the fact, Mr. Sharp, that there are very few residences on the line of Broadway below Fourteenth Street? A. Very few. Q. And of course the fact that there is no night travel and no Sunday travel? A. I don't

know that that accounts for it exactly ; there are no 2432
 retail businesses and no shops down here. Q. And
 no residences ? A. No, sir ; you take it above,
 and there are not many residences on Broadway
 either.

By Mr. N. B. Adams :

Q. Mr. Sharp, you are talking about this rail for
 Broadway ; have you ever used it on a track ? A.
 No, sir ; I have a small piece. Q. Have you any of
 it in use ? A. I have the small piece that I have
 described before. Q. Yes, going around a turn or
 curve, going around curves ; something similar to
 that. A. Yes, similar to that. Q. Were you in
 Chicago eighteen months ago at the meeting of the
 American Street Railway Association ? A. Yes ; a 2433
 year ago last Fall. Q. Your companies are mem-
 bers of that association, are they not ? A. Yes,
 sir. Q. Were you, or were you not, on the commit-
 tee of Street Railway Construction, and did you not
 make a report ? A. Oh, I don't know whether I
 was ; I cannot tell whether I did or not ; but I never
 made a report. Q. But in that report as published,
 which is the stenographer's report, it is so stated ?
 A. I never made a report. Q. You were there and
 were a member of that convention ? A. I was not a
 member until I went there, so I couldn't have had
 anything to do with making a report, at all. Q.
 But in that report of that association, of which your
 companies are members, was or was not this very 2434
 rail that you speak of condemned as being imprac-
 ticable, and is not that in that report ? A. I don't
 know ; I was not a member until I went there, and
 therefore I would not have been on any committee
 to make a report. Q. I will show it to you in that
 report ? A. Well, I never saw that report, and I
 don't know the kind of rail ; I don't know anything
 about it.

Q. Do you know of any horse railroad in the
 United States that has got a rail like that in use ?
 A. No, sir. Q. Hasn't it been tried in this city ? A.
 Never that I know of. Q. Or in Philadelphia ? A.
 Not that I know of. Q. Wouldn't the effect of that
 be that the ice or stones or cinders would get in the
 groove and the flange of the wheel would go over it
 and the car go bumping along ? A. No more than
 on any other rail. Q. At Forty-second Street the
 railroad crosses Fifth Avenue ; isn't there a piece of

2435 rail laid there similar to that which you speak of?
 A. That is a similar rail, but it is a casting, and the groove is not in the right shape; the groove is more square and more liable to hold anything in it. Q. Does not the Forty-second Street Railroad Company keep a man there one-half of the time cleaning out that groove? A. I don't know anything about it. Q. That is beyond your jurisdiction? A. Well, I should say so; it is used in the crossing there. Q. Isn't that about the way it would be laid (showing witness a card)? A. Oh, no, it isn't any such thing at all.

Commissioner Vance: It seems to me that that is a question of mechanical engineering which the Commission cannot decide.

2436 *Mr. Adams:* That is being used in London where there is no snow or ice.

The Witness: I never was in London; I can only tell you what I have seen in America; they have nothing here like what I propose to use at all; the groove is not the same there, and it is not the way I propose to fasten the rail or anything of the kind; it is quite a different thing. Q. A rail similar to that was presented at this association— A. I don't know anything about that association; I know I have been in the business a long time and I believe I understand about as well as anybody that I met there what the proper kind of rail would be; at any rate where I am interested I wouldn't exchange my own judgment for anybody else's; if I was not
 2437 interested then I might change it to accommodate them; but where I am interested I think I would cling to my own judgment for all I saw there, and as to the report there that you referred to, I don't know anything about it; I was not a member of any committee that made any report there.

By Mr. Bright:

Q. Is the Broadway Surface Railroad Company committed absolutely to any particular rail? A. None whatever. Q. And do you know that it is firmly the purpose and intention of that company to use the best rail that can be found, whatever it may be? A. The intention is to make the very nicest thing that we can make up, and the probability is, I believe, it will be entirely left to me, and I have not decided on anything positive as to what we would do; that kind of rail is the thing that we

would probably, unless we see something better, 2438
 adopt. Q. And if an other should be shown to be
 better, you would adopt that? A. Certainly should.
 Q. And as to the space between the tracks, I under-
 stand that it is your intention to reduce that to such
 an extent as to render the use of the street outside
 of the tracks as free as possible? A. Outside and in
 as far as possible; that is an object they want to se-
 cure.

JEFFERSON MCWILLIAMS, called as a witness on
 behalf of Mrs. Boreel and the Board of Trade and
 Transportation, being duly sworn, testified as fol-
 lows:

By Mr Beaman :

2439

Q. What is your business? A. Expressman. Q.
 What position do you occupy? A. I am sort of a
 foreman and have charge of the wagons and drivers
 of Adams Express Co. Q. How do you spend most
 of your time? A. I am supposed to be on the street.
 Q. How long have you been connected with the Adams
 Express Co.? A. 21 years this coming September.
 Q. Have you ever driven for them? A. Yes, sir.
 Q. How many years? A. Well, I have driven all
 my lifetime, in different positions. Q. Driven for
 them most of the time in twenty years? A. Yes,
 sir. Q. To what extent is the business of Adams
 Express Co. and the other Express Companies done
 on Broadway? A. Well, I can hardly answer that 2440
 question; I can say that every wagon we have runs
 on Broadway and the majority of our business is
 done on Broadway.

Q. Why is that so? A. It is the main thorough-
 fare and the only one down town. Q. The main
 thoroughfare for your business? A. Yes, sir. Q.
 And is it the most convenient thoroughfare for all
 your business? A. Yes, sir. Q. Why do you pre-
 fer it to any of the other streets running north and
 south? A. One reason is we can make better time.
 Q. Why better time? A. Well, on Broadway an
 express wagon is seldom ever blocked; it is given
 an opportunity usually to get along and we generally
 manage to pull through. Q. How is it on the other
 streets? A. If you take the side streets you are
 liable to be blocked. Q. Why? A. The streets are
 too narrow. Q. Why more than Broadway? A.

2441 Broadway being wider there is more room. Q. What effect would it have upon the use of Broadway for your express business, if there was a horse-car line running thereon in the usual way—a double track, the outside rails being say 15 feet apart? A. That would leave us a very small margin on the side of the street to do our business. Q. Would it interfere with your business? A. It would interfere with our business; if we go to the sidewalk, we would stop there and block up Broadway. Q. That would be the effect of that? A. Yes, sir. Q. Is that the result of your experience as you have been driving through the city, and from your experience with horse-cars? A. Yes, sir.

2442 *By Mr. Bright:*

Q. Do you carry on your business in streets in which railroads are? A. Yes, sir. Q. From day to day? A. Yes, sir. Q. You deliver and receive goods in due course of your business on streets where there are railroad tracks? A. Yes, sir. Q. Would you continue to use Broadway if a railroad track was there? A. We would be necessarily compelled to. Q. And you would expect to transact your business there certainly with as much success as you do in narrower streets where there are railroads? A. Not with as much success. Q. Not with as much success as you would in narrower streets? A. Oh, I did not understand your question; with the same success,

2443 yes, sir. Q. Certainly with as much success as in narrower streets where there are railroads? A. Yes, sir. Q. And the street being wider, is it not true that you would be able to transact your business with better success than in narrower streets where there are railroads? A. Yes, sir.

By Mr. Beaman:

Q. If horse-car tracks are put down in Broadway, would you necessarily stay there; is there any other place where you could go? A. Our business—we have an entrance on Church Street, and the bulk of our business is done in the rear; but on Broadway, you might say opposite Exchange Place, the express companies are congregated there and eight out of ten hours of the day, it would be safe to say, there are wagons there all the time, and if there was a rail-

road track there, there would be no getting down on 2444 that side of the street, unless you followed the horse-cars. Q. And do you know how wide the street is, or whether the express wagons standing on the street would block the horse-cars or not? A. I don't think they would block the horse-cars; I think the horse-cars could clear. Q. You don't know the width? A. No, sir; I don't know the width.

NEW YORK, February 13, 1885.

ROBERT GOELET, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

By Mr. Beaman :

2445

Q. Where do you live, Mr. Goelet? A. I live at 591 Fifth Avenue, corner of Forty-eighth Street. Q. Where do you have your office? A. 261 and 263 Broadway. Q. Are you a native of the City of New York? A. I am. Q. Do you own real estate in the City of New York? A. I do. Q. Do you own any real estate on Broadway? A. I do, jointly with my brother, most of it. Q. What is your brother's name? A. Ogden Goelet. Q. What property do you own on Broadway, either yourself or with your brother—I mean below Fourteenth Street? A. Well, I own with my brother No. 833 Broadway, one door from Thirteenth Street; I think the number is 833; I think that is the number—833 2446 Broadway—it is one door below Thirteenth Street. Q. On the east side? A. No, on the west side. Q. How large is the lot? A. Well, it is a very irregular shape there. Q. How much on Broadway? A. I think it is 25 or 26 feet on Broadway, and 40 odd feet on the rear; I don't know the exact dimensions. Q. There is a building on it? A. Yes, there is a building on it. Q. What is it occupied by now? A. It is occupied by Graves & Co.—Robert Graves & Co. Q. What business do they do? A. Paper hangings—wall paper. Q. What other property do you own on Broadway? A. 809 and 811 Broadway. Q. Is that on the same block? A. No, that is down by—I should think it was the block below, or may be two—Twelfth Street—it is nearly there, a little lower down on the same side of the way. Q. Are there buildings on that property? A. Yes, sir. Q.

- 2447 How large is that lot? A. There are two lots, 35 feet each, I think, and occupied by Cochran & Co. Q. What business do they do, Mr. Goelet? A. Well, I should suppose they did a general dry goods business; they sell dry goods and all sorts of things. Q. What other property on Broadway do you own? A. Well, I own, individually; No. 53 Broadway; that is down below Wall Street. Q. 53 Broadway—that is south of Rector Street? A. Yes. Q. What is that occupied by? A. There are offices occupying that building—occupied by different people—that whole building is offices with an express or steamship company occupying the lower floor. Q. Is that where Austin, Baldwin & Co. are? A. Yes, sir; Austin, Baldwin & Co.; they are more express than a line of steamers; they represent the Star Line, I think. Q. Is it not the State Steamship Company? A. I don't know; I think they are mostly in the express business. Q. Do you and your brother own property on streets near Broadway below Fourteenth Street that are running parallel with Broadway, or across Broadway? A. Yes, I own some property on Mercer Street. Q. Between what street? A. Well, when I say a piece of property, I mean I own right in the rear of the stores that I own on Broadway, starting in Bleecker Street; I own the corner of Bleecker Street, running through to Mercer Street, and then I own with my brother the two stores next to it; I think they call it 633 and 631 Broadway; I own lots on Mercer Street; they are in the rear of those stores, and then I own some other lots in Mercer Street about that neighborhood, on the other side of the way. Q. Any down town? A. Yes, my brother and myself own down at Whitehall Street; I don't know whether you call that Broadway, I never knew that it was; it is at Whitehall opposite the Produce Exchange. Q. Do you own any on the east side of Broadway? A. Well, I own in Fourth Avenue; it is rather indefinite when you ask me whether I own any on the east side of Broadway. Q. You own some property on Fourth Avenue? A. Yes, sir; I do own considerable property on Fourth Avenue and Third Avenue; that is east of Broadway. Q. And below Fourteenth Street? A. Yes; and I own some lots in Fourteenth Street, going down towards the different avenues. Q. Have you considered the question at all of the effect

upon this property that you own and upon other²⁴⁵⁰ property similarly situated in the City of New York of having a horse railroad on Broadway, with a double track in the usual condition as it exists on Broadway between Sixteenth Street and Twenty-first Street or Twentieth Street, extending from Fourteenth Street down to the Battery? A. Yes; I have considered it; but your question runs from Fourteenth Street to the Battery, or does it go to Twenty-third Street? Q. No, running from Fourteenth Street to the Battery. A. Yes; I have. Q. What opinion have you formed with reference to the effect of such a horse railroad, running from Fourteenth Street to the Battery with a double track, and with horses and cars on it in the usual way as they run in the City of New York, upon²⁴⁵¹ your property? A. Well, I believe it would be bad; I believe that possibly a certain portion of the property on the upper part of Broadway might be for a time temporarily benefited, but permanently I don't think it would be. Q. You don't think that any property would be permanently benefited by it? A. No, sir; I do not. Q. When you say it would be bad for all property, what do you mean by that? A. I mean—I am now speaking of rents, particularly on Broadway itself; I mean that Broadway is bound to be wholesale; I don't believe it is possible for retail business to come back, and in my judgment, if I understand the width of the street right, I think that a person, who is engaged in the wholesale business on Broadway, will be²⁴⁵² much bothered, and that it will be very difficult for him to do business with these cars running, as they have to back up their trucks to the curb; I mean when a track is in the centre and if his truck backs up that a car cannot go by without compelling that truck to swing out; I think that would be bad on a man shipping goods; I own this property 833 Broadway, where Graves & Co. are now, and they ship a good many of those rolls of wall paper, and when they rented that store originally from my father, and renewed their lease from me, one of their statements was that even now there was such a crowd on Broadway that they were bothered in delivering their goods, and getting these large rolls in, and tried to make an arrangement by which a right of way could be purchased on the side street—Thirteenth Street—for a means of getting in their goods;

- 2453 then again, as far as I have always seen Broadway, Broadway is a rather peculiar street; the first thing you know there are always certain pieces of property, say three or four blocks, that would probably be dead, sometimes one year and sometimes two, and sometimes longer, and then gradually a different kind or class of business comes up from down town—wholesale business—and what was formerly wholesale business is now offices; there is 53 Broadway which I spoke about, that was not until within a year or so altered into offices; some manufacturing companies had the upper part, and I find that office buildings are creeping up to a certain extent; after them comes the wholesale, and after the heavy wholesale comes the light wholesale; now
- 2454 up as far as 633 and 631 Broadway, and just around about that neighborhood of those stores which are owned by my brother and myself, is being filled up with what may be called light wholesale—feather goods—and not the heavy materials, but light materials; and I believe that in time all Broadway will be wholesale; that the light wholesale will be further up and the heavier wholesale further down, and I believe that gentlemen having large wholesale stores in side streets will come into Broadway and for one reason—the facility that they will have in handling their goods—and that is the reason why I think a railroad in Broadway would be a detriment in my judgment, and not only a detriment to Broadway but to the whole city, because if we
- 2455 don't have somewhere where people can go and handle their goods conveniently—these large wholesale stores—why they go to some other city or to some other place where they can find those accommodations; that is the reason why I am opposed to a railroad on Broadway. Q. State whether or no, in your opinion, there is any demand for a horse railroad on Broadway. A. I don't really see why there should be, for the simple reason that there are facilities on the parallel roads, both by the elevated roads and by the surface roads, and also the omnibuses that run on Broadway, and anybody that wants to ride, it seems to me, has got plenty of opportunity; I know if I am up-town and in a hurry I take the elevated road and walk a couple of blocks to get to the station and then walk down from the station here—from the nearest station to my office—and I think most of the people going down town

think that is the most rapid method, and I don't 2456
understand that horse-cars are as rapid as the elevated road, although I think they often make very good time.

Q. In considering this question as to the effect of a horse-railroad on Broadway, and any demand for it, is there, in your opinion, less or more demand for it now, than there was ten years ago? A. Well, I think that ten years ago, the way Broadway was down below Fourteenth Street, a great deal more retail, I should think there was a great deal more demand for it ten years ago than there is to-day; then I do not think anything can possibly bring retail business back again on Broadway below Fourteenth Street; that is my belief. Q. You said that you thought it might temporarily help the value of property—a certain part of Broadway; would it run 2457
down as far as Eighth or Ninth Street? A. Well, I should think it might be a little lower than that. Q. Lower? A. Yes, sir; I should think so. Q. Would this affect the value of the property and the rental value of the property temporarily, in your judgment, and make it better? A. Well, it is just this, that I think temporarily—both the light and heavy dry goods—wholesale has not got up any further than Bleeker Street, and I suppose that it might possibly be a benefit to property up there; I am not certain at all in my own mind whether it would be a benefit even temporarily or not, but still I can understand that there might be a difference of opinion as regards that property from Fourteenth 2458
Street, say down to Bleeker Street, or not as far as Bleeker Street—Prince Street, or somewhere along there—although I think that that is very doubtful. Q. In regard to this property, if it would help the value of it, it would increase the value of course of the leases of any tenants upon it, would it not? A. I should think that that would depend entirely upon the business they were doing. Q. But if they were doing retail business? A. Well, I am not at all sure whether it would be any benefit or not, but if it is, I suppose so; but I am not at all certain in my own mind that it is going to be any benefit even from Fourteenth Street lower down, but if it is at all, it would be natural that some people probably might be brought there, and they would not have the convenience which I speak of loading and unloading which I think is the great objection to any

2459 railroad. Q. In your opinion, is this matter of the wholesale business of the City of New York, and the keeping of this avenue open, of great importance to the city? A. Yes, sir; that is my judgment. Q. Is it your opinion also that it affects both the value of the property that is used by the wholesale merchants and the other property of the City of New York? A. I think it affects the whole prosperity of the city and we ought to have as much facility as we possibly can for having goods come in here and being disposed of and making this the centre. Q. Have you been noticing these changes that have taken place in the location of trade on Broadway? A. I have; a good many years back. Q. And you have noticed this gradual advance on Broadway as I understand? A. Yes, sir; I mean at times it would go more rapidly than others; sometimes it would be apparently at a standstill. Q. What is the general situation now of matters of rents in the City of New York; are rents easily made on old terms? A. Mr. Beaman, it is not the first of May; I will tell you better when the first of May comes along. Q. Well, that is a question I will not press then.

By Mr. Scribner :

Q. You say that Broadway is a peculiar street in sections of which property frequently lies dead; will you please say in what particular section of Broadway south of Fourteenth Street property is now lying dead? A. Well, I don't know that I can fix it exactly between any streets, because I think that a gentleman takes notice where you have got a personal interest; I know that for a long time where I am speaking of at Bleecker Street—633 and 631 Broadway—for a long time that property was very dead, and very hard to rent for any purpose whatsoever, and that laid so in that way for about two or three years; where the rents were formerly large they were very small, and gradually they commenced again to rise a little bit until now they rent for a very far rent to this light wholesale—like feather goods—and I think my attention like everybody else's is probably drawn more to the particular place where my property is situated than to any other; at that time for several years all property in that neighborhood seemed to be almost impossible to rent; I think that was certainly five or six years ago when my father was alive yet, and he attended mostly to

that ; I did not know so much about the rents then, 2462
not so directly as I now do, but I think it was six or
seven years ago—five or six.

Q. Is there any street in the city to your knowl-
edge where there are so many vacant stores or parts
of stores as on Broadway ? A. I really don't know ;
I cannot answer the question ; I know that my
stores on Broadway are rented ; I have seen quite a
number of bills "to let" on different stores on
Broadway. Q. As compared with other streets, do
you think that the stores or parts of stores to let are
much more numerous on Broadway than on any
other business street in the City of New York ? A.
Well, I really don't know anything about the side
streets at all ; if you confine it to avenues, the only
avenue then would be the Fourth Avenue and Third 2463
Avenue. Q. Oh, no ; all the other avenues of the
city ; Sixth Avenue, Seventh Avenue, Eighth
Avenue, Ninth Avenue, Fourth Avenue and Third
Avenue. A. Well, I should say I really don't
know ; I know about Third Avenue ; but all my
knowledge of Third Avenue is after you get beyond
Thirty-third Street ; I don't know about anything
below. Q. In giving the opinion you have given,
respecting the desirability or undesirability of a
railroad on Broadway, your opinion is influenced
mainly by your position as a property-holder, is it
not, on Broadway ? A. No, it is not ; because I
think certainly two pieces of property that I have,
if anything is to be benefited, I think that will be
benefited. Q. What property is that ? A. 809 and 2464
811 Broadway, which is retail. Q. That is retail ?
A. Yes, sir ; that is retail. Q. Don't you think,
Mr. Goelet, that the construction and operation of
a street railroad passing that property would be a
benefit to it ? A. I say it is very possible that tem-
porarily it might be. Q. Don't you think that the
tenants of that building would reap a benefit from
the operation of a railroad in front of that property ?
A. If they reap a benefit they would, but I think
that is a question ; how they may feel about it, I
don't know ; I supposed I included in my answer
that I was not satisfied whether it would be a benefit
or not, but I think if any property would be bene-
fited that property would be. Q. You are not en-
gaged in business yourself, Mr. Goelet, are you ? A.
I am a lawyer, I practice law. Q. Have you, or
your brother, signed a consent for the construction

2465 of a railroad, proposed to be build by the petitioner's rival, known as the Broadway Railroad Company? A. I have not ; I declined to sign it. Q. Was not your name in the list that was published of people that had signed for that road ? A. If it was so, it was not true, because I declined always to sign for either a horse railroad, or a cable road. Q. Your objection to a railroad on Broadway appears to be that it would inconvenience wholesale dealers. A. Yes, sir ; to a great extent. Q. Would it inconvenience them in any other respect than in the possible disadvantage in loading and unloading ? A. Well, I think that is the greatest inconvenience. Q. Is not that the only objection that you think of—that occurs to you at the present time ? A. That is my main objection, in this way, because I think if it is whole-
 2466 sale you will find it very difficult to load or unload in front of the stores ; and it affects the rental value if a man cannot take his goods in and take them out conveniently ; I think that injures the property. Q. Don't you know, Mr. Goelet, that there are large and handsome wholesale stores in Church Street, a very narrow street, through which a road has been run and operated for twenty years ? A. Yes, sir ; and I know it is a very great inconvenience, and a great many of those people are coming back to Broadway now. Q. Don't you know that those gentlemen who built those stores, and those gentlemen who now occupy them, built those stores and occupied them after the railroad was constructed
 2467 there ? A. I am not aware of that. Q. And with a full knowledge of the existence of that railroad and its operations ? A. That I am unable to say whether they knew or not ; but I know this, that most of those stores down in the section you refer to were built by Boston capital, and those gentlemen were more or less interested in mills, and one of the objects that induced people to go there was their saying that they would not send them their goods unless they went there ; that is what I always understood.

Q. You say people are moving from Church Street into Broadway ; wont you give me an instance or two ? A. No, I cannot give you an instance ; but some person said to me that somebody was moving out from that street, and made inquiries, and was going to go into Broadway ; maybe I received it with more credence than it was worth because I

thought they would go into Broadway, and always supposed so. 2468

Q. Nevertheless, Church Street stores continue to find occupants, do they not? A. I have no doubt they do, sir; I don't know anything about Church Street.

Q. There are no stores vacant on Church Street, to your knowledge, are there? A. I know nothing about it, sir.

Q. Claflin—H. B. Claflin & Co.—their store fronts on Church Street, does it not? A. I believe it does; I am not sure; whenever I have seen Claflin's it has been on the

West Broadway side. Q. It is bounded one side by West Broadway and one side by Church Street?

A. Yes, sir. Q. Bounded on two sides by railroads? A. Yes, sir.

Q. And that is the largest wholesale store in New York, is it not? A. I imagine it is; but West Broadway is a broad street;

it has got an elevated road in it; but it is a broad street. 2469

Q. Do you happen to know what the width of Broadway is opposite any of the property owned by yourself and your brother, or by yourself individually, concerning which you have spoken?

A. Well, I know that Broadway varies in different places, but I don't know that I can give you the exact number of feet; but I know that in some places

Broadway is 40 feet wide. Q. You mean the carriage way? A. Well, from gutter to gutter.

Q. From gutter to gutter, or from curb to curb, you mean? A. Yes, sir, from curb to curb; I know

that in certain places it is 40 feet, and I have always understood that Broadway varied; that in

some places it was wider than in others, but I don't know that I know the width in any particular spot. 2470

Q. From your general knowledge of the subject, wouldn't you say that Broadway, north of Seven-

teenth Street, or between Seventeenth Street and Thirty-first Street, for instance, was considerably

narrower from curb to curb than south of Fourteenth Street? A. It is narrower from Seventeenth

Street up to about, say, Twentieth Street; I think it commences to widen at Twenty-first Street, but from

Seventeenth Street to certainly Twentieth Street, and I think to Twenty-first Street, it is very much

narrower than it is in Broadway below. Q. And for twenty years past there has been a railroad with

a double track in that street, has there not? A. I think it was there over twenty years; I used to live

on the corner. Q. On the corner of Nineteenth Street, was it not? A. No, sir; I lived on the cor-

2471 ner of Seventeenth Street, and there was a railroad there. Q. That is about the narrowest part of Broadway? A. I should think about. Q. All this time there has been a double track railroad running there? A. There has been. Q. And nevertheless the condition of property owners and the condition of tenants on Broadway, between Seventeenth Street and Thirty-second Street, has been all this time very prosperous, has it not? A. I don't know as far as Thirty-second Street; I can say as far as Twenty-second Street. Q. As far as Twenty-second Street? A. Yes, sir. Q. Notwithstanding the existence of this railroad there? A. Yes, sir.

Q. Property has advanced, and both the owners and tenants are prosperous and happy? A. I hope so.

2472

By Mr. Beaman:

Q. Mr. Goelet, in regard to the notices being up on buildings, "to let," this is about the time of the year when they are usually placed up, is it not? A. I think so, about the first of February. Q. Suppose it is proven as a fact, or the testimony is so, that the putting of a horse railroad on Broadway, not only will interfere with the wholesale merchants in loading and unloading their goods, but that it would also make it more difficult for transportation up and down for their goods and freight on a loaded truck, and impede the traffic and make everything up and down Broadway slower, and tend to cause 2473 more blockades in the travel on Broadway, what effect would such a situation have upon the commerce of New York, and the general value of Broadway property?

Mr. Scribner: That is an incompetent question, but I suppose your Honors will admit almost everything in the way of opinion.

Commissioner Harris: That is assuming those facts exist.

Mr. Beaman: Yes, sir.

Commissioner Harris: I think there is no objection to that testimony, assuming those facts to exist.

The Witness: In answering that question I suppose I must assume those facts exist.

Commissioner Harris: Yes, sir.

The Witness: I think anything going to make traffic slower or anything that will interfere with it

of course is detrimental ; if you have to go slower²⁴⁷⁴ or if it takes more trouble, to get out of a track or into a track again why, that is detrimental, and you lose time ; anything hinders travel I think is detrimental.

Q. Detrimental to what? A. Detrimental to the interests of Broadway, and to the interests of the city—anything that impedes travel on Broadway is both detrimental to Broadway and to the city. Q. You have been asked about Church Street; isn't it true that most of the buildings that are on Church Street, have opportunities on the streets running east and west to load or unload their goods, and that very few of those buildings on Church Street, have their actual frontage, so far as the entrance is concerned, on Church Street? A. Well, I²⁴⁷⁵ cannot answer that exactly of my own knowledge ; I know that some have and some have not, but I do not consider that I am very familiar with Church Street, except where you see it from the elevated road ; and formerly before there was an elevated road, when I rode up town when I lived in Seventeenth Street and Broadway, I took the Broadway cars that ran up home, and I knew it a great deal better than I do now. Q. You have been asked in regard to that portion of Broadway, between Seventeenth Street and Twenty-second Street, and its general prosperity ; what difference is there between that portion of Broadway and Broadway generally below Fourteenth Street? A. As far as I know, between Seventeenth Street and Twenty-third²⁴⁷⁶ Street, is a sort of connecting link ; people that go up Broadway, or that are going to Fifth Avenue, they all follow this narrow place, and there are a great many people there—an immense number of people ; people that come up Broadway and that want to go into Fifth Avenue, they generally go through there, and if they want to go through Broadway still further up they go there ; and my opinion is, that that part of Broadway from Seventeenth Street to Twenty-third Street, is a sort of an exception ; it is a narrow place, where people naturally go ; and after you leave Twenty-third Street up to Thirty-second Street there is another place, which Mr. Scribner referred to ; I don't know as much of the upper part. Q. Is the business between Fourteenth Street and Twenty-third Street mostly wholesale or retail? A. I should call it mostly re-

dicating) and the track is here, and a truck is²⁴⁸⁰ backed up, a horse-car cannot go by without that truck being moved, and while the truck is standing there it blocks up all Broadway; the horse-car cannot go by, and that stops the traffic; it blocks up one-half of the street, and all the vehicles coming down would have to swing out and go on the other side, and the heavy trucks crossing over the tracks would have great difficulty in crossing; and if another car comes by there, there would be a liability to block up both sides; that is my reason; now, if I am wrong on this, and if trucks would not interfere with cars passing, then it would be different. Q. Then your objections would all be removed, would they? A. I don't think they would all be removed, but I think that that would tend very²⁴⁸¹ much to remove them. Q. Then most of the objections that you have mentioned to a horse railroad are based upon the assumption that the carriage-way of Broadway is so narrow that the construction of a railroad, in the ordinary manner, would interfere with the backing-up of an ordinary truck between the curb and the track, is it? A. No, sir; not altogether; I say that is one of my objections; my idea is this, that I think that on account of the shape of this island—this island is long and narrow—I believe it is absolutely necessary, and an advantage to the whole island, that we should have some one street that is free and clear of railroads, so that the people can drive there, or do whatever they please—that they should have at least one avenue²⁴⁸² that is free; I simply say that is one of the objections I have to horse railroads, that they move in fixed lines and are not able to turn in and to turn out; and I say that that would be one of the means of making a block; if you will notice on a railroad track, you always notice that all try to get right on the centre of the street, because the moment they get a little off from the centre they slip to the curb; now, you get two or three of those trucks in front of a car, and the man rings the bell for them to get out, and one truck gets out, but another comes right along and shoves right in behind, and so it goes on; I say anything that goes on a fixed line—a railroad—makes travel very much more difficult than where you don't have a railroad; that is my idea. Q. In speaking of the effect on Broadway property, won't you please tell me, Mr. Goelet, how you account

2483 for the fact that such stores as Brooks Bros., or such firms as Brooks Bros., and the Sloanes, and Lord & Taylor, and all the best hotels, have forsook Broadway, where there is no railroad, and have moved to locations on Broadway, above Fourteenth Street, where there is a railroad; how do you account for that? A. Well, I account for it on the general principle that people nowadays are living further up town than they did before, and that the natural result is that retail will move up to be near where people live. Q. Do you imagine that Brooks Bros. would have ever moved from the corner of Bond Street, if there had been a railroad in front of their store? A. I do. Q. Do you imagine that Sloane's carpet store would have removed from where they were up to Nineteenth Street if there
2484 had been a railroad in front of their old place? A. I do.

Q. You think so? A. Yes, sir.

Commissioner Harris: Mr. Goelet, one question. Q. How long do you think it will take for the upper part of the island to be built over? A. From where? Q. That part that is unbuilt on now. A. Well, I don't know the exact time, but I think it is going faster than most people expect; I am not able to say, but I think it is going faster than expected, because I think there is quite a movement to build up; it does not seem to be very much from the end of the Park—One Hundred and Tenth Street to One Hundred and Twenty-fifth Street—but after you pass One Hundred and Twenty-fifth Street
2485 there seems to be quite a good deal of building; I bought some lots up about One Hundred and Thirty-fifth Street and I have had several applications made to me within the last year with a view to erecting houses. Q. Harlem is going to be a great city in itself, is it not? A. Well, my impression is, it is; from One Hundred and Tenth Street up to say One Hundred and Twenty-fifth Street, there is very little doing now; on the east side along Third Avenue that has been built up very much more rapidly about Seventy-eighth Street and Eightieth Street; that side has always been far ahead—the east side.

WILLIAM H. BUTLER, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Beaman :

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Q. Mr. Butler, where do you live? A. I live in Brooklyn. Q. What business are you in? A. Safes and Locks. Q. Where is your place of business? A. Corner of Reade Street and Broadway. Q. Northeast corner? A. Yes, sir. Q. With a frontage on Broadway? A. Yes, sir. Q. How long have you been in this business? A. Oh, I have been in the safe business since 1851. Q. How long have you had a place of business on Broadway? A. Well, since 1856, I think, with an interval of about four years that we were out of the street. Q. But most of the time since 1856 you have been in business on Broadway? A. Yes, sir. Q. On what parts of the street; always below Reade Street? A. No, sir; we were at 337 Broadway at first. Q. You have been between Reade Street and what other street? A. Between Reade and Franklin. Q. Always been above Reade? A. Yes, sir. Q. But always within two or three blocks of where you now are? A. Yes, sir. Q. Have you owned the buildings? A. No, sir. Q. Rented them? A. Yes, sir. Q. And are renting them now? A. Yes, sir. Q. What effect, in your opinion, would it have upon the general public interests of the City of New York if there was a horse railroad on Broadway between the Battery and Fourteenth Street—double tracks—and cars running up and down it in the usual way, say at an interval of a minute or less apart? A. Well, I think that as far as my convenience is concerned it would be a very serious evil. Q. Why? A. Well, our loads are very heavy, our teams are very heavy, and we load very heavy, and our loads are different from those of others, our loads are generally top heavy, and we have to be careful about them in turning because sometimes it throws a safe over; I have seen them go over, truck and all; as far as my business is concerned I think it would be an evil. Q. Do you, in your business, load or unload your own goods from Broadway? A. No, we load all we can on Reade Street, but at times we have to load on Broadway.

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Q. But you have opportunities for loading on Reade Street? A. Yes, sir. Q. I suppose in the course of your business you deliver and receive a good many safes of various sorts on Broadway? A. Oh, yes, sir; a good many. Q. What effect would this railroad have on the general public, so

2489 far as they use Broadway as a thoroughfare for travel, or for carrying goods? A. As far as the carting is concerned—the transportation of goods? Q. Yes, sir. A. I think it would affect them the same as it would affect me; perhaps not to that extent; it is a very serious matter to start a heavy team; to stop and start a team with a heavy load, and we always try to keep going. Q. And do you think horse-cars would cause you to stop more? A. Oh, I have no doubt of it. Q. Why? A. Well, horse-cars go on a track, and trucks would certainly have to turn off when the cars come along, and if they were on the side why they have got to be in a line, and no opportunity to get off or on the line, and they have got to go along, and if there is a block made, they cannot go aside, but simply have
2490 to wait until what blocks them gets out of the way.

By Mr. Scribner:

Q. You don't confine your operations in the matter of the receipt and delivery of the heavy goods you cart to streets that have no railroads in, do you? A. No, sir; we deliver anywhere in the city. Q. You deliver everywhere in the city, and you have been doing that since 1851? A. Yes, sir. Q. So that the fact that a railroad exists in Fourteenth Street, or in Broadway above Seventeenth Street, or in Sixth Avenue, the whole length of it, or in any other of the avenues where street-car tracks are laid, would not deter you from sending your trucks there either to receive or deliver a safe, would it? A. No,
2491 sir.

FRANK O. HERRING, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Beaman:

Q. Mr. Herring, what is your business? A. Manufacturing iron safes, vaults, &c. Q. Are you the successor to your father in that business? A. I am. Q. How long have you been in that business? A. Individually? Q. Yes, sir. A. Since 1868. Q. Where is your place of business? A. 251 Broadway, corner of Murray Street. Q. Where are your manufactories? A. At present on South Street, corner of Gouveneur Slip. Q. Are you on the

corner of the street? A. Yes, sir. Q. Corner of 2492
 what street? A. Corner of Broadway and

Murray Street. Q. In delivering and receiving
 safes at your warehouse there, do you de-

liver on Broadway, or on the side street? A. Mur-
 ray Street—the side street. Q. To what extent, do

you, in your business, make use of Broadway as a
 means of travel up and down for your teams? A

We make use of Broadway, I should say, altogether
 in going any distance; that is, if we deliver a safe

anywheres down town or up town, we alway take
 Broadway. Q. Why? A. Well, because it is the

most convenient street. Q. What effect would it
 have, in your opinion, on the travel in Broadway and

the use of Broadway by the public for the general
 purpose of travel, so far as wagons and teams and

trucks and carriages are concerned; if there was a 2493
 double track railroad on Broadway, extending from

the Battery to Fourteenth Street, and constructed in
 the usual way, with cars running on each track, at

intervals say, of a minute or less apart? A. I should
 consider that such a railroad would obstruct the

travel on Broadway. Q. Why? A. Cars, of course,
 running on a track cannot turn out in case of a block

as stages can, and stages can go around the block, if
 there be a blockade, and cars are on the track; and

more especially in Winter time, if there are heavy
 falls of snow, as we often see, the snow is piled up

on the sides of the streets, and it leaves only a small
 part of the street free for trucks and vehicles, and

especially in our business, if we have a heavy load
 on and get into a track, and a car comes along, we

have to get out of the way, and there is a great deal 2494
 of trouble; of course, we have to do it right away,

and swinging in and out is an injury to the trucks
 and an injury to horses. Q. Would it delay travel,

in your opinion? A. I consider it would delay
 travel, especially in the lower part of Broadway,

take, say, from Chambers Street down; there are
 often blockades now without any railroads, and

great delays.

Q. Mr. Herring, in loading and unloading safes,
 state whether it is a usual custom for the trucks or

teams to back up to the curb? A. They have to
 back up, they cannot unload them any other

way; they cannot take them off of the sides;
 they have to back up and put out skids and roll

them off. Q. About how long a time does it take

Q. Now, C. H. Hagen & Co. is a firm that depends altogether upon the size of the safe, well it would take a lot of years' work from fifteen to twenty hundred dollars. Do you know about the length of the time that it is engaged in the business of cutting safes—how far they project into the street, where they stand backed up against the curb with the wheels turned up on wheels? A. I do not; I could not say.

Q. Now, Mr. Hagen?

A. I tell about how many gentlemen are engaged in the manufacture and sale of safes in New York. There are only two engaged in the business in New York. Q. That is your firm and the other firm? A. Hagen & Co.; but I think there are about a hundred. Q. So that is a lot of competition in your place on the corner of Broadway and Murray Street? A. Yes, sir, and take in their safes! Q. Very many? A. I know that is so with Hagen & Co. I think that they have on the corner a large entrance where they receive all their safes. A. I believe they have; I don't know. Q. Then take it up; I know they are on the corner there. Q. You don't, in your business, hesitate to send your trucks to receive orders and take on any street because there is a railroad there, do you? A. No, sir. Q. Broadway is not the only street in the City of New York where your trucks run? A. No, sir; it is not. Q. They run on every street? A. Yes, sir. Q. Railroad streets as well as others? A. Yes, sir. Q. And they have been doing that for twenty years just and more than that, haven't they? A. Yes, sir; they have. Q. Your factory, previously to its location in South Street, was situated where? A. At Hill-street and Ninth Avenue, and Third-street and Fourteenth Streets. Q. And your factory there was bounded on every side by a street railroad, wasn't it? A. On three sides. Q. Bounded on three sides by a street railroad? A. Yes, sir. Q. How long did you manage to do your business there in that way, surrounded by railroads in that manner? A. About thirty years. Q. And built up a large business? A. Yes, sir. Q. Did an immense business? A. Yes, sir. Q. Made and sold many hundreds and thousands of safes?

A. Yes, sir. Q. And carted them all over these 2498
railroad tracks, built on three sides of your factory?

A. Yes, sir. Q. And you are alive yet? A. Yes.

By Mr. Beaman :

Q. Is your father alive? A. No, sir.

By Mr. Scribner :

Q. It was not a street railroad that killed him,
was it? A. No, sir.

By Mr. Beaman :

Q. You moved from your place where you were,
how long ago? A. One year ago this last January.
Q. When you were loading or unloading a safe from 2499
that building, did your trucks stop the cars? A.
They did not. Q. Why not? A. Because there
was plenty of room between the sidewalk and the
tracks. Q. So that you could load and unload there
without interfering with the cars at all? A. Yes,
sir.

By Mr. Scribner :

Q. You say that these railroads, as located in
Hudson Street—and in what other street surround-
ing your factory there? A. Ninth Avenue,
Hudson Street and Fourteenth Street. Q. As those
railroads were located and built in those streets,
there was space between the curb and the track to 2500
allow your trucks to stand backed up, and receive
and deliver? A. There was. Q. To receive and de-
liver your safes? A. There was. Q. Do you know
any point on Broadway where that could not be
done now, between Fourteenth Street and the
Battery? A. I could not say without making
measurements.

FEARING GILL, called as a witness on behalf of
Mrs. Boreel and the Board of Trade and Transpor-
tation, being duly sworn, testified as follows :

By Mr. Beaman :

Q. Where do you reside? A. In the city. Q.
How long have you resided in New York City? A.
Six years. Q. What is your business? A. I am
the Vice-President of the New York Cab Company.

2501 Q. What is the business of that company? A. It is a livery and street cab business in all departments. Q. Is that the company that has introduced what are sometimes known as "yellow cabs"—the cheap cab system? A. Yes, sir.

Mr. Scribner: "Black and tans?"

Q. How many cabs or vehicles is that company now running? A. About three or four hundred.

Q. When did they first begin running? A. As a company they began a year ago last September.

Q. Is their business increasing or decreasing? A. Increasing.

Q. Has it yet reached, in your opinion, what is to be the extent of that business? A. No, sir; we have got it merely at present as an experiment—the new black and tan department, as the

2502 counsel says. Q. What do you feel, in your own opinion, as to the result of that experiment? A. That it has been successful.

Q. Have you, in the course of that business, in connection with that company, made some study of the facilities for travel and the need for travel in various parts of the city?

A. I have, sir. Q. In your opinion, is there now

any demand or need of a double line of horse-cars running on Broadway from the Battery to Fourteenth Street, in the usual way, with an interval of a minute apart, say? A. I think not.

Q. What effect would the running of such a line of cars on Broadway have, in your opinion, upon the public interests of the city? A. I think it would be very prejudicial to the public interests in adding a fixed

2503 obstruction to the temporary obstructions which now exist to a very annoying extent. Q. Please explain more in detail.

A. Well, there is scarcely a day that passes but what most of us going along Broadway from the Battery up to Fourteenth Street see some block of vehicles—an inextricable mass of

all kind of vehicles, omnibuses, express wagons,

coupes, &c.; certainly, if you put in that street a

fixed line of tracks with vehicles running on them,

it would add a factor of obstruction which does not

now exist, and it would certainly enhance the difficulties which we daily see.

Q. Do you think that a

lot of cars running on Broadway, say not more than

fifty, would cause more obstruction than the obstruction

now caused by the stages that are running on

Broadway? A. I think the very fact of putting

down the rails would add an obstruction, with no

cars upon them. Q. And how about when you add

the cars? A. I think it would be an obstruction, 2504
and the difficulty would be increased perhaps fifty
per cent. Q. Would there be any advantage or dis-

advantage to the public in taking off the stages from
Broadway and substituting the cars? A. I don't

think there would be any advantage. Q. Would it
be any advantage or disadvantage to the public to
take off the stages that are running from Wall Street

Ferry to Broadway, and also from Fulton Ferry to
Broadway? A. I think it would be an obvious dis-

advantage, because it gives that opportunity of get-
ting across town in one way and longitudinally in

another way. Q. Would it be an advantage or dis-
advantage to take off the lines of stages that run up

Broadway and spread out at Fourteenth Street—one
line going up Fifth Avenue, and the other up Broad- 2505

way and Madison Avenue, and the other up Broad-
way to Twenty-third Street and down Twenty-third

Street and up Ninth Avenue? A. I think it would
be an obvious disadvantage to take them off. Q.

That is a disadvantage to whom? A. To the public
along Fifth Avenue and Madison Avenue, for in-

stance. Q. In regard to the use of Broadway for
public purposes, what are the purposes for which it

should be preserved in your opinion? A. I think it
should be preserved for the best use of the people.

Q. What do you consider to be the best use for the
public, taking it as it is to-day? A. I did not quite

catch the question. Q. What do you consider the
best use that can be made of Broadway for public

purposes? A. Well, the best use, looking to the 2506
future, &c.— Q. Looking at it as it is to-day?

A. I think it is very much better to leave it as it is,
and have one avenue unobstructed by the fixed ob-

struction that I have mentioned in the way of rails
and horse-cars; it would be very much better to

leave one avenue unobstructed by the fixed obstruc-
tion that exists in other avenues.

Q. Do you consider it an important thing to the
general public and the commercial success of the

city that Broadway should be kept in this way? A. I
do. Q. Are you familiar with the crowded streets in

the large cities of the world? A. Oh, yes; I am a Bos-
tonian and can say that it is a general impression in

that city, which is a city where the horse-car system
probably has a freer scope than in any other city in

the world, that the statistics will show the deprecia-
tion of the value upon Washington Street since the

- 2507 incursion of the horse-car, as compared with the appreciation in value in streets where there have been no horse-cars, of more than 25 per cent. Q. Are you familiar with the streets in London? A. Yes, sir.
- Q. How does Broadway in its extent from Fourteenth Street to the Battery compare in a general way with the Strand in London? A. I suppose it might be fairly compared with the Strand, a street upon which no horse-car track is laid—no tramway is laid, and that the same difficulties would obtain in Broadway that would obtain in the Strand if a horse-car track were laid there. Q. As far as Broadway is compared with the Strand, it is much longer in its extent. A. Yes, sir; much longer. Q. The length of the Strand in its crowded part as compared
- 2508 with Broadway is only about what length say in blocks? A. I could not give you the distance from actual measurement; I should not say it was more than one-third of the extent. Q. It is about a mile or less, is it not? A. Yes, sir. Q. In regard to the increase of licenses that have been given to vehicles of various kinds by the City of New York, have you made an examination to find whether there has been an increase, and what are the statistics with regard to such licenses? A. Yes; the statistics show in the last twelve years an enormous increase in the number of vehicles—not horse-cars—that are used upon the streets of New York; twelve years ago all the vehicles such as dry goods wagons, and all such wagons, were all licensed, and now they are not; it
- 2509 is estimated that there are in licensed and unlicensed vehicles, not including horse-cars 50,000 in all which of necessity occasionally use and in some cases constantly use Broadway. Q. And they all pay some income to the city for their licenses? A. No, sir; not all of them; I say of licensed and unlicensed there are now 50,000. Q. How many licensed vehicles are there? A. 19,000 licensed vehicles. Q. In speaking of licensed and unlicensed vehicles, do you include private carriages? A. I did not include private carriages; I include only livery carriages. Q. You did include livery carriages? A. Yes, sir. Q. That is, substantially anything that is for hire? A. Yes, sir; substantially anything that is for hire, but not private carriages, not merchandise wagons, not express wagons nor any of those. Q. How large has the increase been since 1873 in the licensed vehicles? A. In the licensed vehicles it has been 20 per

cent., but I say that when you consider that in 1873 2510 all of these dry goods wagons, all these other wagons were licensed, and are not now, the increase has been very great. Q. What, in your opinion, is the increase in the actual amount of such vehicles since 1873, that is both licensed and unlicensed? A. Well, I should say they had increased 33 per cent. Q. Have you with you any figures that show in detail these increases since 1873? A. I have of the licensed vehicles, but it would not be a guide to go by, except relatively, because it would not show the enormous increase in private vehicles; but in making that allowance it shows that in 1873 there were 15,995 vehicles other than horse-cars, that is including trucks, express wagons, parcel wagons, coaches and coupes, and private store wagons—15,995; in 1885 2511 there are 18,868 licenses for vehicles, not including any of the private wagons which were then included. Q. As to stage licenses since 1875, has the number increased or decreased? A. There has been no perceptible increase. Q. Have you the exact figures in regard to stages? A. Yes, sir; there were 243 in 1873, and 211 now; the horse-cars, of course, have made some diminution. Q. There are 211 stages now? A. Yes, sir. Q. Mr. Gill, do your vehicles or cabs to any considerable extent use Broadway? A. To a very great extent; the patrolling or prowling service of cheap cabs get their fares as they do in London, by prowling along Broadway, going slowly, so that people seeing them unoccupied will hail them. 2512

Q. What is the general plan of the business of your cab company? A. We lease the cabs to the drivers at so much a day—so much an hour for ten or fourteen hours a day, and they have a cab and do what they like to, and have all the rates. Q. And the rates for the use of the cabs are certain fixed rates? A. Yes, sir. Q. And if those rates are exceeded, what happens to the cabman, if you know it? A. Well, we fine him, and return the overcharge to the customer—to the passenger. Q. What are the rates of the Cheap Cab Company? A. Twenty-five cents a mile for one or two passengers, at that rate. Q. And by the hour? A. A dollar either for a two-seated cab or four-seated; the principal effort has been to put a premium on short trips—to people who want to ride short trips. Q. What result has your system of cabs made? A. It has broken the hackmen's ring so that now you can

2513 get hackmen at a low price for short trips. Q. Is there another organization of hackmen that have another kind of cab. A. Yes, sir. Q. What is that called? A. The Hackmen's Association; they run with a white body instead of a garter and yellow body. Q. And do they charge substantially the same rates? A. They ostensibly charge the same rates, but they have no company—that is, they have no offices, and the public are not protected as in our organization. Q. And in your organization the company lets the cabs and horses? A. Yes, sir; both the cheap cab service and livery service is done under one company; we are the largest livery and cab company in the world, and have more money invested than any other company. Q. And 2514 about how many horses have you? A. I think 700.

By Mr. Scribner :

Q. Mr. Gill, your company was organized, as I understand you, to supply a supposed want of the citizens of the City of New York? A. Yes, sir. Q. Your company commenced operations when? A. About the 1st of September—a year ago last September—September, 1883. Q. And you commenced with how many cabs? A. I think we commenced with about two hundred; the livery service began first. Q. And you have increased the number of cabs since 1883 from two hundred to between three and four hundred? A. Yes, sir. Q. How near 2515 four hundred cabs have you got running? A. Well, I could not tell you, sir; I did not come here prepared to answer that question; I could not tell you without looking that matter up; I should say three hundred and fifty would be a fair estimate. Q. You say that your company makes use largely of Broadway with prowling cabs? A. Yes, sir. Q. You supply the supposed need of citizens of New York for short rides on Broadway? A. Yes, sir; well, from Broadway to other points. Q. Will you please tell the Commissioners what it would cost a passenger in one of your cheap cabs to ride from the Battery to Fourteenth Street? A. Seventy-five cents; that is three miles, I believe. Q. Do you think it would promote the comfort or happiness or the pocket of a passenger to be carried in a street-car that same distance for five cents when it would otherwise cost him seventy-five cents to ride in one of your cabs? A. Well, I don't think there would

be any comparison between a cab and a horse-car ; 2516
 a vehicle which is one's own is always preferable,
 where persons are not crowded like cattle, as is fre-
 quently the case in horse-cars. Q. In other words,
 you think that the comfort and happiness and the
 pocket of a passenger would be promoted by pay-
 ing seventy cents extra for a ride in one of your
 cheap cabs from the Battery to 14th Street rather
 than to herd with common people in a car, riding
 the whole distance ? A. The question of pocket is
 hardly a fair question ; a man rides according to his
 means, just as he orders his dinner at Delmonico's
 or at a cheap restaurant ; he rides according to his
 means ; it is not a question that can be answered
 very well. Q. Certainly his pocket would profit by
 a ride from the Battery to Fourteenth Street in a 2517
 horse-car rather than in one of your black-and-tan
 cabs ? A. In that limited direction, yes, sir. Q.
 So that a man who had but five cents, and had not
 seventy-five cents, his convenience certainly would
 be promoted by riding in a horse-car rather than in
 a black-and-tan cab ? A. It would be, but I don't
 know as it would be any more than in a stage.

Q. Don't you think that an ordinary horse-car
 travels a little faster than the ancient animals that
 are hitched to the cheap cabs that you run ? A. It
 does on a free highway, yes, sir ; but we are speak-
 ing about Broadway. Q. Some of the cab horses
 that you drive are considerably inferior to the ordi-
 nary horses attached to cars, are they not ? A. No,
 sir. Q. You think not ? A. I know not ; it is our 2518
 custom to purchase a cab horse of a different grade
 —with a better stepping gait. Q. About what do
 you pay for a cab horse ? A. \$200. Q. Haven't
 you got a good many running that didn't cost you
 \$50 ? A. No, sir. Q. I mean those with a hog
 mane, or do you hog the manes of all of them ? A.
 Yes, sir ; as a rule. Q. That is one of the *indicia* of
 the company ? A. Yes, sir, that has been adopted
 as a rule. Q. You have said that you think it
 would be a detriment to the City of New York to
 draw off the stages from Fulton Street and Wall
 Street and from points above Fourteenth Street
 where they now run ? A. Yes, sir. Q. Who has
 suggested to you that there was any intention of
 withdrawing the stages from any portion of the
 routes which they now occupy except Broadway ?
 A. No one has suggested it to me. Q. You don't

2519 know anything about the intentions of the stage proprietors in respect to that, do you ; do you know anything respecting the intention of the omnibus proprietors or of the street-car proprietors respecting the withdrawal of any stages from any portion of the routes they now travel except on Broadway ? A. I saw in a paper yesterday morning that there was some contingent contract with Mr. Sharp's railroad company that the stages might be withdrawn. Q. Withdrawn from Broadway ; did it say anything about the withdrawal of stages from Fulton Street or from Wall Street or from the parts of their routes that they now travel on above Fourteenth Street ? A. I did not read that.

Mr. Beaman : We want the contract and that 2520 may speak for itself.

Q. Mr. Gill, prior to six years ago, had you your residence wholly in Boston ? A. Yes. Q. In that cultivated city, the Hub of the Universe, street-cars are much more numerous than they are in New York, are they not ? A. Yes, sir, they have come to be such a nuisance—— Q. Please only answer my questions ; you have discussed sufficiently on the subject of nuisances. A. Well, I thought this was a place—— Q. No, no ; please only answer my questions ; Mr. Beaman may draw out anything more if he sees fit ; the streets of Boston, as a rule, are streets much narrower than the streets of New York, are they not ? A. Well, I don't think that the streets that the street-cars run on are as narrow. Q. The streets of 2521 Boston are much more crooked than the streets of New York are too, are they not ? A. Many of them are, yes, sir. Q. The streets of the City of Boston, in consequence of the New England climate, are much more apt to be encumbered by snow in Winter than are the streets of New York, are they not ? A. Yes, sir. Q. As a matter of fact the snow ordinarily in the streets of Boston, lies the entire Winter through, doesn't it ? A. No, sir. Q. A large portion of the Winter ? A. No, sir ; not these years. Q. At all events the element of snow is much more of an incumbrance in Boston than in New York ? A. Yes, sir. Q. About what are the average earnings of your cabs per day ? A. We lease them to the drivers at so much a day, and the cheap cabs have paid the company up to the 1st of September, the last time the account was taken, 20 per cent. net profit. Q. You have adroitly avoided the question. A. I did

not mean to. Q. You have most adroitly avoided 2522 the question ; I want to know about how much the cheap cabs—the three or four hundred cheap cabs—manage to extract from the pockets of the citizens of New York per day—each one of them? A. Oh, well, about \$8 a day. Q. About \$8 per day? A. Yes, sir. Q. And for that \$8 you carry on an average about how many passengers, do you know? A. Well, sir, I have no statistics to give you the exact estimate there. Q. You carry nobody for less than 25 cents, if you only carry them a block. A. No, sir. Q. If you carry a man a mile and a fraction of a mile, if more than a mile, he has to pay 25 cents extra? A. The driver is allowed to charge him that, yes sir.

Q. And you never knew the driver to omit to 2523 charge him? A. Oh, yes, sir; yes. Q. That was because he could not get it? A. Oh, no; those things are done.

By Mr. Beaman :

Q. These cabs of yours are earning a good deal of money up town above Fourteenth Street, where there are horse-cars, are they not? A. Yes, sir. Q. And this matter of money that you have abstracted from the public is all voluntary? A. Oh, yes, sir. Q. And people, you understand, prefer to pay it rather than to ride in horse-cars or omnibuses? A. Yes, sir; the cheap cab service has always been recognized as exclusive; it don't conflict with any other service. Q. Your cabs do best in rainy 2524 weather? A. Rainy weather, that is the best. Q. They furnish that other accommodation? A. Yes, sir. Q. You have explained, or were trying to speak when Mr. Scribner interrupted you, about something being a nuisance in Boston; what did you mean? A. I meant to say that there is not a month that passes of late years when there is not some suggestion of remedy or relief from the great number of horse-cars blocking the streets, particularly Tremont Street from Boylston Street to Winter Street. Q. In most of the narrow streets of Boston, wherever there are horse-cars, there is only a single track; is not that so? A. I think, sir, there are very few single tracks in Boston; as I took occasion to say, the streets where horse-cars run are, as a rule, fully as wide as the streets of New York where horse-cars run—taking the average. Q. Taking Washington

2525 Street, you have spoken of the depreciation of the value of property that has taken place there; there is a double track horse railroad there, in Washington Street, is there not? A. Yes, sir. Q. It was formerly a large retail district, was it not? A. Yes; well, largely residences, from the Park, where the depreciation has occurred, I think. Q. What part is that? A. Well, as I understand it, from Dover Street up to the southern part. Q. Is there any part of Washington Street where the crowd is so great, and traffic and trucks and vehicles are so many as on Broadway? A. Well, I think from State Street to Winter Street it is about as wide there as the narrowest part of Broadway, and there is the part where you will see every day these inextricable and perplexing blocks.

By Mr. Scribner:

Q. Mr. Gill, what do you suppose would be the effect of a Broadway railroad between the Battery and Fourteenth Street on the income of the black-and-tan cabs? A. Well, sir, I could not say, sir. Q. Haven't you an idea that it would largely diminish it? A. No, sir; I don't think it would any more than the stages do now; they run there with three or four lines of stages, and I don't think that it would make any difference; I have said that I regarded the cheap cab service as an exclusive service; I speak in my testimony quite as much as a citizen as I do as a representative of this company.

2527 Q. If by any accident the stages should be withdrawn from Fulton Street or Wall Street, you would be very happy to afford Mr. Beaman accommodation with a black-and-tan cab to carry him down from Broadway to the Wall Street Ferry, wouldn't you? A. I don't think he would take a black-and-tan, if he wanted to go down any other way. Q. I say you would be very happy to afford him accommodation. A. Yes, sir; any time

By Mr. Beaman:

Q. You would charge me the regular rates? A. Yes, sir. Q. And if I didn't have but five cents I couldn't go with you, whereas I could get in one of these omnibuses and go way up Fifth Avenue for five cents? A. Yes, sir.

By Mr. Scribner :

2528

Q. This depreciation in real estate in Boston that you have spoken of ; isn't that in streets where there are private residences, and are not the cars a matter of appreciation rather than depreciation of real estate in business streets? A. Well, I could not answer that comparatively, sir ; I could not answer it ; I don't know.

WILLIAM B. DINSMORE, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

By Mr. Beaman :

2529

Q. Mr. Dinsmore, how long have you been a resident of the City of New York? A. Forty-four years. Q. Where do you reside, Mr. Dinsmore? A. Fifth Avenue. Q. What business are you engaged in? A. Express business. Q. How long have you been in that business? A. Forty-three years. Q. What company, Mr. Dinsmore? A. Adams Express. Q. What office, if any, do you hold in Adams Express Company now? A. President of the company. Q. What property does that company own in the City of New York? A. It owns 59 and 61 Broadway. Q. Extending through to Church Street? A. Extending through to Church Street and the buildings in the rear. Q. How much frontage on Broadway? A. About seventy-five feet, I think. Q. That is below Rector Street, is it not? 2530
A. Yes, sir, below Rector Street. Q. How long has your company been substantially in that location engaged in business? A. Thirty-two years. Q. And is the business of your company located there with the idea that that is substantially the centre of that business? A. Not exactly the centre, but as near as we could get to it at the time. Q. And there are other express companies occupying that block, on both sides of Broadway? A. Yes, sir. Q. What other companies? A. The American and United States, and Baltimore & Ohio ; all the large companies are between Wall and Exchange Place. Q. Some on one side of the street and some on the other? A. Yes, sir ; only one on the east side, the United States. Q. The European express companies are in that neighborhood too, are they not? A. Yes, sir. Q. That is substantially the centre of the

- 2531 general express business? A. Yes, sir. Q. So far as that business is carried on by vehicles loading and unloading on the east side of Broadway, is all the business done by loading and unloading from Broadway? A. No, not all; partly done there. Q. What companies load and unload on Broadway, on the east side? A. They all unload and load on the east side. Q. Have the companies that are on the east side of Broadway any opportunities for unloading or loading goods from their offices or warerooms there anywhere except Broadway? A. The east side? Q. Yes, sir. A. There used to be an outlet in New Street, but I am not certain whether it exists now or not. Q. New Street is the street right back of the Stock Exchange? A. Yes, sir; right in the rear. Q. How is it on the west side—what companies have any facilities for unloading on any street except Broadway? A. The American and Adams. Q. You can load both on Broadway and Church Street? A. Yes, sir. Q. And unload? A. Yes, sir. Q. What other companies load or unload entirely on Broadway? A. The Baltimore & Ohio, and Boston Dispatch—a small express. Q. To what extent do those companies that do have facilities on Church Street themselves use Broadway for loading and unloading? A. To a considerable extent, according to the nature and character of the business. Q. Will you please explain how it is that you use Broadway at all, and why you do so? A. We have got to make exchanges; all express companies transfer to us on Broadway, and we take their goods. Q. That is, goods that are delivered to you? A. Yes, sir. Q. And express companies, then, so far as the exchange business is concerned—that is, as I understand it, exchanges each from the other—that is to a great extent done on Broadway? A. Entirely, sir. Q. And in that block? A. Entirely sir. Q. To what extent has the express business grown during the years that you have been connected with it? A. Well, now, I could figure that; it has grown from nothing to what it is now; it has grown to an enormous extent. Q. How many teams or wagons has your company engaged in business? A. About one hundred and fifty. Q. Here in the City of New York? A. Yes, sir. Q. What effect would it have upon the general business—express business—of the City of New York as it is carried on, if there was a double track railroad on Broadway from Fourteenth

Street to the Battery, and cars were running up and down in the usual way, at an interval of say a minute or less apart? A. It would be very injurious.

Q. Explain why? A. I think it would cause a stoppage of business.

Q. How so? A. The city has grown so great now in commerce and trade that the blockades used to be from Wall Street to Fulton each side of it, and that blockade now has extended up to Canal Street, so that it is difficult in busy times to get from Canal Street down to Exchange Place, it being one solid batch of carriages, teams, wagons and everything; there is no place for a private carriage at all.

Q. What has brought about this increase in the crowd of vehicles on Broadway?

A. The commerce of the city.

Q. How would it affect the commerce of the city and the general commercial interests of the city if anything were put upon Broadway that would tend to blockade it, and to delay the vehicles that are going up and down with loads, either your express wagons or the ordinary trucks?

A. Why, it would be a stoppage. Q. How would that affect the general commercial interests of the city?

A. It would injure them; it would block up the street and temporarily an embargo put upon trade.

Q. What result would that have upon the general interests of the city?

A. I think it would injure it to the extent of that blockade.

Q. In the course of your business, what changes have you seen in Broadway between the Battery and Fourteenth Street, so far as different kinds of business have come and gone on that street?

A. The retail trade has gone up town—the whole of it—but a great deal of the wholesale is west of Broadway, leading out of Broadway.

Q. Is this growth or tendency of business on Broadway to continue—that is, going north—in your opinion?

A. Yes, sir; while the world lasts.

Q. Unless something is done to check it?

A. Yes, sir.

Q. What effect would the running of this horse railroad have, in your opinion, upon the value of property upon Broadway between Fourteenth Street and the Battery?

A. I think it would deteriorate its value.

Q. What effect would it have upon the business of the express companies?

A. It would be an interruption, a trouble and a difficulty.

Q. What effect would it have upon the business of the express companies, as they carry it on, in the neighborhood of Rector Street on Broadway?

A. Well,

2537 the business in Rector Street would not be in Broadway, and the railroad would not affect that any. Q. But the business that you have on Broadway there, how would that be affected? A. Very much; there would be a very serious interruption; I look upon it as a calamity. Q. What effect would it have upon the property owned by the Adams Express Company, in your opinion? A. I think it would serve to diminish its present value. Q. Have you made any measurements of the width of Broadway? A. Yes, sir; I have; I have caused measurements to be made. Q. What do you find the width of Broadway near you to be? A. I find Broadway at Wall Street from curb to curb, to be 35 feet. Q. Did you measure it in more than one place? A. In front of my office it is 36 feet; we gain one foot there. Q. Have you made any measurements to find out how far the ordinary express wagons stand in the street when they are backed up against the curb? A. Yes, sir. Q. And their horses turned up or down? A. Yes, sir; backed up, and the horses swung round. Q. What is that width, how much do they extend out? A. Requires 13 feet 6 inches for a wagon to load or unload, and the space is 9 feet 10 $\frac{1}{2}$. Q. 9 feet 10 inches and a half? A. Yes, sir; 9 feet 10 inches and a half.

Q. What do you mean by the space? A. What would over-hang the railroad track; the wagon would over-hang the railroad track, the difference between 9 feet 10 inches and 13 feet and 6 inches. 2539 Q. Do you mean from the track to the curb, it would be 13 feet 6 inches? A. I mean the wagon would take up 13 feet 6 inches from the curb to the front of the wagon, and the space between the curb and the track would be 9 feet 10 inches. Q. I understand by that, that you have made a calculation that the car track will take up how much room? A. Fifteen feet 3 inches from rail to rail—outside to the outside. Q. Then you subtracted that from 36? A. Subtracted that from 35. Q. And that leaves 20? A. That leaves 9 feet and 10 inches and $\frac{1}{2}$ on either side, from which must be subtracted the over-hanging of the car; this 9 feet and 10 inches is the space on each side of the track, and the track is inside of the body of the car. Q. Yes, a foot or more? A. The car over-hangs 2 feet 7 and $\frac{1}{2}$ inches. Q. Over the track? A. Over the rail. Q. On one side, or both sides? A. Both sides, the over-

hanging ; the entire over-hanging is 2 feet 7 and $\frac{1}{2}$, 2540
 and over-hangs on each side about 1 foot 3 and $\frac{1}{2}$.
 Q. It is about 1 foot 4 inches? A. Yes. Q. Mr.
 Dinsmore, then, any of your trucks when loading
 or unloading there, in the usual course of your busi-
 ness, would absolutely block the car? A. They
 would, while they were in process of loading or
 unloading.

Cross-examination by Mr. Scribner :

Q. Do your wagons pay any license to the City?
 A. No, sir. Q. Does your company contribute to
 the City Treasury any portion of its gross receipts?
 A. To the city? Q. From its business—yes, sir!
 A. Nothing but what comes out of the business. Q.
 Does your business contribute directly to the City 2541
 Treasury any portion of its gross receipts? A.
 What is the form of the contribution that you refer
 to? Q. By way of taxes, except as you pay taxes
 on the real estate that you occupy; do you pay
 anything except taxes on real estate? A. Real and
 personal estate—we pay both. Q. Do you pay, as a
 direct tax, any portion of the receipts of your
 express company into the City Treasury? A. No.
 Q. You don't pay a license on any vehicle that you
 run? A. No, sir. Q. The application has been
 made to you on behalf of the City officers, and you
 have refused it—isn't that so? A. No, sir; there is
 no law to reach us. Q. That is just it; they have
 attempted to exact a license, and you have refused 2542
 to pay it; isn't that so? A. Yes, sir; they attempted
 to exact it—yes, sir; won't you ask me why? Q. If
 I think it is wise, I will; but not just now, Mr.
 Dinsmore. A. Thank you. Q. You have stated,
 Mr. Dinsmore, that Broadway, in consequence of
 the crowd of vehicles, is a very unfit place for a car-
 riage; won't you tell me what handsome pair of
 horses that is I see driven to a carriage—a chestnut
 and a light sorrel—every morning in which you
 ride; is not that your carriage? A. Yes, sir; that is
 my carriage; but you have not seen it four times there
 this year. Q. Excuse me, please; are you not, and
 have you not been for many years past, in the habit
 of riding down in that private carriage, drawn by
 that handsome pair of horses, to which I have
 alluded? A. I have, until this Winter. Q. You
 have done that for many years past? A. Several. Q.
 Several years past? A. Yes, sir. Q. Won't you

2543 please tell me—well, you need not tell me that, I won't ask you that. A. I will answer you any question you may ask me. Q. Mr. Dinsmore, the business of express companies is mainly the carriage of light packages, is it not? A. Oh, all sizes, sir, heavy and light. Q. Mainly light packages, is it not? A. I am sorry to say, no. Q. As a matter of fact, the express companies are so good to themselves and so liberal to themselves in the charges they make, that people ordinarily prefer not to send heavy packages by express—isn't that so? A. No, sir; they insist that we shall carry them.

Q. Do you state that frankly, Mr. Dinsmore? A. I state it frankly. Q. That the majority of your packages are heavy? A. No, sir; I say too many of
2544 them are; you asked me whether they were not small packages principally, and I say no—large packages also. Q. Out of a thousand packages that you carry, how many of them will weigh as much as 25 lbs.; what proportion out of a thousand weigh as much as 25 lbs.? A. Well, it would be merely guess-work to say. Q. I would like to have the best guess you can make? A. Well, it would be nothing but guess-work. Q. Give us the best conscientious guess you can possibly make now? A. Well, I should say about thirty-three per cent, at least, of the packages we carry are above the weight you give, and which we would not like to have if we could avoid it. Q. You very much prefer the light packages? A. You are right, sir. Q. Then I
2545 guessed right once; Mr. Dinsmore, won't you please tell me whether you made these measurements in front of your place of business on Broadway? A. No, sir; I had them made by a very conscientious man in our employ. Q. But you did not superintend it, did you? A. No, sir; I did not. Q. And that very conscientious man in your employ may possibly have made some mistake about it? A. Well, it is not impossible; there is nothing impossible in this world. Q. You don't speak yourself of the accuracy of the measurements? A. I have certified to it. Q. You wouldn't swear to it? A. No; I don't know that I would, it wouldn't change the measurements. Q. 59 and 61 Broadway is situated where, with reference to Wall Street, Mr. Dinsmore? A. Why, it is almost at the outlet of Exchange Place; you can tell by that. Q. What do you say is the width of Broadway at Exchange

Place? A. In front of the office 36 feet from curb 2546
to curb. Q. What do you say it is at Wall Street?

A. 35 feet. Q. Which side of Wall Street is that?

A. From curb to curb; I don't know whether it is below the entrance to Wall Street or not. Q. The

north side of Wall Street, how wide is the carriage-way on Broadway? A. I don't know; this says

"Wall Street, 35 feet;" whether it is so north of Wall Street or not I don't know. Q. We have Mr.

Serrell's map here, and it says the north side of Wall Street 36 feet and the south side of Wall

Street 35 feet and 1 inch; was your measurement at the north or south side of Wall Street? A. I rather

think the south side, although you have got an inch more. Q. Your place is situated below or above

Exchange Place? A. Just about one house above; 2547

about 25 feet north of it; there is a little alley there, which I think is called "Tin-Pot" Alley—something

like that. Q. And 36 feet is the measurement there?

A. Yes, sir. Q. Where did you measure or cause measurements to be made, showing the width of the

double tracks from outside to outside to be 15 feet 3 inches, as you have testified? A. I think the

Sixth Avenue and University Place tracks were measured; I told him to measure it. Q. I venture

to say you have got 3 inches too much there; you say from those measurements that you have caused

to be made that the distance from the curb to the track would be 9 feet 10 inches in front of your

place? A. Yes, sir. Q. And these wagons you 2548

have spoken of as being $13\frac{1}{2}$ feet? A. As occupying that space when backed up. Q. $13\frac{1}{2}$ feet when

backed up; those are those huge double express wagons of your company, are they not? A. They

are double wagons, but not huge. Q. Do you know of anything in the shape of a wagon that is hugher?

A. Yes, these vans. Q. These what? A. These vans that go around town—furniture vans; they are

a good deal hugher. Q. Do you call these double express wagons that you use small wagons? A. No,

sir. Q. How many of those which I term "huge"—you need not adopt that language as yours unless

you choose—how many of those huge double wagons that you use do you have? A. There are about

120 of them.

Q. How many one-horse wagons do you run? A. About 40. Q. That would make 160 instead of 150.

A. Yes; I have not got the figures here of this

- 2549 thing ; I don't know them from memory. Q. You have at the rear of your buildings 59 and 61 Broadway an entrance from Church Street, have you not ? A. Yes, sir. Q. And you have an entrance into which your largest wagons can be driven, have you not ? A. Yes, sir. Q. So that it would not be impossible for you to conduct your business independent of that Broadway entrance for wagons at all, would it ? A. Yes ; it would be impossible. Q. It would be impossible ? A. Yes ; we must use Broadway for our business. Q. It would not be impossible for you to use, for the purposes of your business, Church Street entirely for the receipt and delivery of heavy packages, would it ? A. It would be impossible for us to conduct the business. Q.
- 2550 Please only answer my questions ; Brother Beaman will help you out, if necessary ; I want to get at the facts ; on Church Street you have an entrance to your building into which your teams can be driven ? A. Yes, sir. Q. And can be turned around in there ? A. Yes, sir. Q. Couldn't you transact your business, as far as regards heavy packages, wholly on the Church Street side ? A. We could if we had nothing but heavy packages in the wagon. Q. And light packages could be delivered without the truck being backed or wagon being backed at right angles to the sidewalk ? A. No, sir ; we could not do the express business done to-day without we used Broadway ; we could not carry on our business at all. Q. That is not quite an answer to my
- 2551 question ; couldn't you load and unload the light packages which you take in without backing these huge express wagons at right angles to the curb ? A. If you make a case for me, Mr. Attorney, that does not exist, I will say yes, we can, but those things don't exist. Q. What don't exist, the wagons or the packages or what ? A. No ; a wagon with nothing but light packages in it. Q. Ordinarily, in travelling around town to receive or deliver express packages, do your single trucks back up to the curb at right angles or stand parallel with the curb ? A. Sometimes they back up ; it depends upon what you have in ; sometimes they do not ; but always, as a rule, they unload by backing up, and that is the proper way, and it is the only way to do business. Q. You don't do business wholly on Broadway, do you ? A. No. Q. You don't scorn to send your express wagons to a street, for

instance, where you have business—or refuse to receive or deliver goods in which there is a street railroad track, do you? A. I don't think we have ever scorned yet. Q. You don't scorn to send your wagons anywheres whether there is a street railroad or no street railroad where there is a package to be received or delivered? A. You are right; we don't scorn that. Q. Of course I am right; and you have been conducting your business in that way for how many years in New York here? A. Forty odd years. Q. You have got along with the streets of New York notwithstanding the existence of street-cars? A. Striven to. Q. Striven? A. Yes; and at great expense. Q. What do you mean by that? A. I mean that railroads are a curse to wagons and horses; we have lost horses, and we have had wagons broken down by them. Q. Suppose I should say that your big trucks were a curse and nuisance to our car tracks; would you think I spoke offensively? A. No, sir; perhaps I ought not to say that, but it is a great evil. Q. What is, the big wagons or the cars? A. No; the cars—that is, the rails—to the horses and wagons of the express companies. Q. Would you like to see them all taken up, Mr. Dinsmore? A. I would in the streets not wide enough to hold them. Q. Broadway is wide enough to hold them, is it not? A. No, sir. Q. Broadway is more than fifteen feet wide, is it not, between curb and curb? A. Yes; but not wide enough for a double track. Q. Are you aware that the American Express Company has signed or that its officers have signed a consent for the construction of a railroad on Broadway? A. Very kind in them. 2552 2553 2554

Q. Are you aware or not that they have done it? A. No, sir; I am not. Q. Haven't you heard of it? A. No, sir. Q. Haven't you been so informed that the American Express Company has? A. No, sir; they have no interest whatever here except what they get out of their business; they don't own any property there. Q. Is there any express company except the Adams Express Company that owns any real estate on Broadway? A. Yes, sir. Q. What company is that? A. The United States Express Company. Q. Do you know whether or not the officers of the United States Express Company have signed the consent for the construction and operation of a railroad on Broadway? A. No, sir; I do

- 2555 not. Q. You neither know that they have or have not? A. No, sir; I know nothing about it. Q. Mr. Dinsmore, suppose the effect of the construction of a railroad on Broadway, between the Battery and Fourteenth Street, should be the withdrawal of all the stages now running on Broadway, and of the cars now running on Church Street, what would you say that such an effect would have upon the operation of the express business? A. It would not affect the express business there, because after these stages that are there leave another line will come on. Q. That is your idea about it, is it? A. Yes, sir. Q. You think a line of stages could live in opposition with a line of street cars on Broadway? A. Yes, sir. Q. Do you happen to remember the time
- 2556 when the Broadway and Seventh Avenue Railroad was constructed? A. Well, I don't carry the date in my mind. Q. You lived in New York during the existence of the Consolidated Stage Company, did you not? A. I lived up in Forty-first Street. Q. You remember the existence of the Consolidated Stage Company, do you not? A. Well, I do when you remind me of it. Q. You remember the time when there was a great many more stages running on Broadway than there are to-day? A. A great many. Q. And you remember that the blockades on Broadway—the obstruction of Broadway by reason of stages and other vehicles were much more frequent twenty years ago than they are now, don't you? A. Yes, but that has been supplemented by
- 2557 business carts and drays and all those sort of things. Q. Don't you, as an old resident of New York, know that the blockades and obstructions on Broadway, south of Chambers Street, are very much less frequent now than they were twenty years ago? A. They are greater than they were; they increase every year. Q. Do you state that as a matter of recollection? A. I state it as a matter of fact; I know it by seeing it; the blocking first commenced from Wall Street to Chambers Street, and that blockade has extended by the business of the city of every kind and character to Canal Street. Q. Don't you know that twenty years ago it was not an uncommon thing for Broadway to be a solid mass of vehicles from Wall Street to the vicinity of Chambers Street almost every day? don't you remember that? A. No, sir; no recollection of it, sir. Q. Have you seen any blockades of that kind since the

withdrawal of the stages of the Consolidated Stage 2558 Company, and which was at or about the time that the Broadway and Seventh Avenue Co. commenced operations? A. I have seen it every year since. Q. How often have you seen it this Winter? A. Well, I don't keep a record of it. A. How often have you seen a jam of vehicles between Wall Street and Chambers Street occupying five minutes this last Winter? A. Whenever there was snow; I have got myself out at Canal Street and walked down. Q. When? A. When there was a fall of snow and you could not get through. Q. Wasn't that in consequence of the cross travel in Canal Street? A. It was the snow; it was not a blockade at Canal Street, but it was a blockade on Broadway; Broadway is a nuisance, so far as that goes, from Exchange Place to 2559 Canal Street; it is blocked up frequently when business is lively and everybody is moving, and particularly in a snowstorm. Q. This last year, according to the common speech of people, business, instead of being lively, has been very dull—isn't that so? A. Yes, sir. Q. Suppose there was an express company, having their office or place of business directly opposite yours, and suppose that they claimed for themselves the same privilege that you claim to have there, and had their express wagons backed up on their side of Broadway as yours are backed up on the other side, and obstructing the highway for 13 feet and 6 inches, how much space would that leave there for the general travel—for other vehicles? A. 9 feet.

2560

Q. Would that be likely to cause an obstruction or blockade in Broadway? A. No, sir; a carriage can go through eight feet. Q. And that is about all that you are willing to concede to the public, is it not? A. Yes, when those wagons are backed up; but that is a thing not likely to arise. Q. It would be very likely to arise if there was an express company having its place of business directly opposite your place of business, would it not? A. Yes, sir. Q. It would arise all the time? A. Certainly, sir; yes, sir. Q. You have an office, have you not, at some point on Broadway above Seventeenth Street? A. Yes, sir. Q. Where is it, Mr. Dinsmore? A. Twenty-third Street and Forty-second Street. Q. Twenty-third Street and Forty-second Street? A. Yes, sir. Q. On Broadway? A. No, sir; not on Broadway; you asked me above Seventeenth Street;

- 2561 we have one up by Astor Place, I guess. Q. At what points on Broadway have you an office or place of business for your express company? A. We have one somewhere in the vicinity of Washington Place and one, I think, near Astor Place—two offices. Q. Have you got any between Seventeenth Street and Forty-third Street on Broadway? A. No, sir. Q. Your wagons, however, run on Broadway constantly between Seventeenth Street and Forty-second Street, do they not? A. They run way up to Sixtieth Street—everywhere. Q. But they do a good deal of business on Broadway between Forty-second Street and Seventeenth Street? A. Not so much; it dwindles down as you go up. Q. But they do a good deal of business? A. Well, some.
- 2562 Q. A good deal of business on Broadway above Seventeenth Street? A. Considerable business—not so much as below—not so much as below. Q. There, to your certain knowledge, there has been a double track in operation for 20 years and upwards, has there not? A. I don't know the length of time. Q. A good many years? A. Yes, sir. Q. Longer than you can remember? A. Oh, I can remember when it was put down.

By Mr. Beaman :

- Q. Mr. Dinsmore, why did you refuse to pay these demands made upon you by the City? A. Because we don't do the work for hire; we get no compensation; we deliver packages up to Sixtieth Street for nothing—gratuitous labor, deliver and collect. Q. You were advised by your counsel that there is no legal obligation to pay? A. Yes, sir; we don't get any money out of it. Q. And that is the only reason you don't pay? A. Yes, sir. Q. You spoke about heavy packages not paying? A. Why, certainly, we cannot make anything out of large packages. Q. But in the business of your wagons going around, you collect both heavy and light packages? A. Yes, sir; it is our duty; we cannot pick out the light goods; we must take the whole or none. Q. And then when a wagon gets to your place on Broadway it has got both kinds on? A. Yes, sir. Q. And the result of that is what, in the way of loading and unloading? A. It depends on the goods themselves; some are delivered around in Church Street, and some of them at the front door; it is the desti-

nation of the goods that guides that. Q. You have 2564
 a place on Twenty-third Street? A. Yes, sir. Q.
 Haven't you extended that through to Twenty-second
 Street, so that you can now load and unload on
 that street? A. Got an extension of that last year.
 Q. And you do load and unload there on that street
 now? A. Yes, sir. Q. In regard to stages, you
 have been asked about the accommodation of stages;
 in your opinion, do a certain number of stages on
 Broadway offer any more obstruction on Broadway
 than the same number of other vehicles? A. No,
 sir; not any more. Q. You have stated, as I under-
 stand it, that it would be practically impossible for
 you to carry on your business at the places you now
 carry it on as you use Broadway if there was a horse
 railroad constructed on it? A. We must use Broad-
 way or get out of the business or get out of Broad- 2565
 way. Q. You are using the rear entrance of your
 store there for all possible purposes? A. Yes, sir.
 Q. You drive right in there? A. Yes, sir. Q.
 Really to the basement? A. Yes, sir.

Q. And you have your wagons standing there
 loading and unloading all the time? A. Yes, sir.
 Q. And there are wagons in front? A. Yes, sir; we
 take transfers from the United States and American,
 you know; we take their goods, and they back up
 in front to deliver them. Q. Will you please ex-
 plain a little more fully, Mr. Dinsmore, why it is
 that you have to use Broadway for this purpose of
 exchange? A. The expresses bring us goods off of
 their routes, where they don't run, and going on to
 where we do run, and so we receive the goods from
 them and check them and collect the charges and 2566
 expenses for them, and as they pass out of the wa-
 gon on Broadway they go down through into the
 basement. Q. Then that is a regular track? A.
 We have to do it in order to get an account of the
 goods. Q. Just as if it were a regular track on
 which the goods were? A. Yes, sir. Q. They have
 to go down there from the Broadway side? A. Yes,
 sir; they bring us goods, for instance, that are go-
 ing to Philadelphia and other places to complete
 their delivery, and we have got to get an account of
 the goods as they go through. Q. And these vehi-
 cles that are backed up there, then, are mostly other
 vehicles belonging to other companies than yours?
 A. Yes, all the express companies—large express
 companies—back up there. Q. And they are de-

2567 livering both heavy and light packages? A. Yes, sir. Q. Whatever they happen to have? A. Yes, sir. Q. And you have to take such packages as are given to you, light or heavy, just the same as a railroad takes men or women? A. Yes, sir. Q. Heavy ones or light ones? A. Yes, sir. Q. And you cannot make any specific rules or have any wagon that will take only light goods and another that will only take heavy? A. No, sir. Q. In regard to other parts of Broadway, if Broadway was occupied as these gentlemen are trying to get it with their double line of track, is there any space where the travel could go—the other travel—or would they still have to use Broadway? A. Broadway will be used by all industries as long as Broadway stands, and nothing can drive the trade out.

2568 *Mr. Scribner*: Not even a horse railroad?

The Witness: No, a horse railroad wouldn't drive it out.

Mr. Scribner: I am obliged to you for that concession.

The Witness: It would just block it up and stand there for hours, but could not drive traffic off.

Q. Would simply be blocked? A. Perfectly blocked. Q. It would have the same effect on Broadway as it would have on the harbor if you should dump a lot of dirt down in the channel so that the steames could not come in? A. Yes, sir; be a perfect block.

By Mr Scribner:

2569 Q. This office of yours on Twenty-third Street, that is a new and handsome building erected or altered there for the purpose of your business? A. No, sir; it was altered by the owners, the heirs of Mr. Nathan. Q. That is the Nathan mansion? A. Yes, sir; the Nathan mansion. Q. And has been altered for the purposes of your business at a very large expense within a few years past? A. Yes; it stood some two or three years and nobody would take it; they were all afraid of the ghost. Q. And the express companies were not afraid of the ghost? A. No, sir. Q. Nor its president. A. No, sir. Q. Mr. Dinsmore, how long have you occupied that office in Twenty-third Street—that building there? A. About eight years, I think—something like that. Q. And you went there, and before you went there, there was a street railroad

constructed and operated in that street ; was there not ? A. Yes, sir. Q. And with all the terrors of a street railroad before your eyes, you nevertheless selected this house and commenced doing business there ? A. Not from any charm of the railroad in front. Q. No, but I say with the terrors of a street railroad before your eyes, you nevertheless selected this building as a commodious and suitable place for the transaction of the express business, didn't you ? A. We did not select it ; we took it because we could get it. Q. And notwithstanding all the terrors of the street railroad system, and with the entire perfect knowledge of the existence of a railroad in that street, the Adams Express and Mr. Dinsmore, its president, hired this house, and ever since has continued to occupy it for the purpose of the Adams Express business ; is not that so ? A. If you leave out the terror of the railroad ; I call it worse than that. 2570

Q. Terror is a word too mild ? A. Yes, sir ; too mild. Q. You put in an emphasizing adjective that will suit you and then answer the question. A. I don't want to wound your feelings. Q. You can't wound my feelings because I have no street railroad stock. A. Oh, you have a good deal of delicacy. Q. Oh, no, you may take it either way ; I am not particular about it. A. The railroad is a great nuisance, so much so that we had to extend through to Twenty-second Street ; we used to leave the packages on the sidewalk piled up, to the disturbance of the foot travel and against the city laws, and had a great many goods stolen from the sidewalk, all because there was a railroad in Twenty-third Street. 2572

Q. You have had your speech about that, won't you please answer my question, Mr. Dinsmore ? A. I don't want you to put in my mouth the terror of the railways ; we don't fear railways ; we don't like them. Q. But notwithstanding its existence you hired the Nathan mansion for the transaction of your business, and carried it on there for a good many years ? A. We hired the building because we could rent it for a satisfactory price ; we wanted a building to rent and took it. Q. And having found it to rent, and knowing that a railroad was in existence and in operation in that street, you nevertheless hired it ? A. We nevertheless hired it. Q. That is an answer to my question ; now, how long did you carry on business there before the extension was made to Twenty-second Street ? A. I could not an-

- 2573 swer just the time. Q. How long is it since you had that extension made to Twenty-second Street? A. I could not give you the time. Q. How wide is the sidewalk on Twenty-third Street in front of that building? A. I should think it was 15 feet. Q. How much? A. Fifteen feet. Q. Is it not 30 feet—the sidewalk on Twenty-third Street? A. I could not answer it; I never measured it. Q. How much is the carriage-way on Twenty-third Street in front of that building? A. I never measured that, sir. Q. How does the carriage-way—the width of the carriage-way—in Twenty-third Street directly in front of the Nathan mansion, which your company now occupies, compare with the width of the carriage-way of Broadway in front of your place down
- 2574 town here below Exchange Place? A. I would have to get the tape-line to answer your question correctly. Q. Can you make a conscientious guess that will come within 20 feet as to how the carriage-way of Twenty-third Street opposite the Nathan mansion compares with the width of the carriage-way in front of 59 and 61 Broadway? A. I should think the space between the rails and the sidewalk at Twenty-third Street would be much greater than the space would be on Broadway if the proposed railroad should be put down between the rail and the curb-stone in front of 59 and 61 Broadway; that is only a guess. Q. That is only a guess? A. Yes, sir. Q. If you were told that the sidewalks on Twenty-third Street—if it was proved to your satisfaction that the sidewalks on Twenty-third Street
- 2575 were 30 feet each, that would not leave but 40 feet of carriage-way? A. I don't know the width of the street. Q. Don't you know it is a hundred-foot street? A. I don't know, no. Q. That street is ordinarily known as a hundred foot street, is it not? A. I don't know that; I am not a mathematician; I don't know. Q. I supposed all old residents knew the hundred-foot street; do you know any streets 100 feet wide? A. Yes, sir; I think I do. Q. Is not Fourteenth Street, Twenty-third Street, Thirty-fourth Street and Forty-second Street each 100 feet wide? A. I think Thirty-second Street is, but I am not positive. Q. Thirty-second Street? A. I think it is; I don't know. Q. I won't ask you about streets then. A. If you told me I would believe it. Q. Mr. Dinsmore, do you think that 210 stages on Broadway would interfere as much with public travel as 50 horse-cars? A. I think they would in-

terfere less, because they are portable evils. Q. 2576
 Portable evils? A. Yes, sir. Q. What do you call
 big express wagons? A. Those are portable evils.
 Q. You will acknowledge they are evils, too? A.
 Yes, to a certain extent; everything that obstructs
 the highway is an evil. Q. Would you regard 210
 stages as more or less of an obstruction to a street
 than twenty-five street cars? A. If you would give
 me a measurement I could tell you better; but
 stages can go out of the way and the horse-cars can-
 not; they are fixed obstacles.

Q. Suppose you are driving a truck in a street,
 and you know that an approaching vehicle is a
 street car, which can't get off of its track, then you
 know where to drive? A. I would get out of the
 way, if I could. Q. You would get out of the way 2577
 of that car? A. Yes, sir. Q. You would know
 where to find it? A. Yes, sir. Q. That is an ad-
 vantage, is it not? A. I don't know that it is; if I
 see a stage come—— Q. You don't know where it
 is going, do you? A. I take the chances, and get
 out of the way; I never struck a stage, but I have
 been stage struck.

By Mr. Beaman :

Q. How does the amount of travel on Twenty-
 third Street, between Fifth and Sixth Avenue, com-
 pare with the amount of travel down near Rector
 Street? A. About 100 to 500, I should think.

2578

By Mr. Adams :

Q. In speaking of the nuisance of the tracks in
 streets, have you ever had any horses injured? A.
 Yes, sir. Q. Shoes torn off? A. Yes, sir. Q.
 Axles broken? A. Yes, sir. Q. Ever known of a
 horse getting in a slot? A. Yes, and lose his foot
 —and lose his leg afterwards. Q. Isn't that the
 principal nuisance of a track? A. One of the
 nuisances. Q. Suppose a road was laid on Broad-
 way, if there is to be a road, and we will leave that
 for the Commissioners, but if there is to be a road
 built on Broadway, if you can build that on a sys-
 tem that will give a smooth level roadway, without
 those raised rails, as the street car tracks now are,
 wouldn't that be preferable to the construction of
 such a railroad as was that on Broadway above
 Fourteenth Street? A. I don't know; I am not a

2579 railroad builder ; I cannot answer it. Q. And any railroad that you can turn in and out of, that will be smooth on the roadway, would be preferable to such rails as are now laid on the streets? A. A railroad is some detriment to carriages of every kind and character whatever. Q. Isn't that the reason of it? A. Philadelphia has a rail which is respectable in its formation, but that never has been introduced here ; it is a broad, level rail. Q. Hasn't that been taken up in Philadelphia? A. I don't know ; the rail is in my mind—the shape of it ; I don't know whether it has been taken up ; it is the only rail that is fit to go down in a public highway ; it is the best for wagons, axles, wheels, &c.—better than the rails they have here ; I don't like a railroad in a public highway ; a railroad is an excellent thing for the country. Q. But you say you have seen horses injured in the rails here? A. Yes ; broken their legs off, clean as a pipe-stem, and had to shoot the horse.

2580

By Mr. Scribner :

Q. Haven't you had horses injured a great many times on Broadway, where there is no railroad? A. Yes ; but that don't break their legs. Q. Break their necks? A. No, sir ; injure their feet and fetlock joints. Q. Haven't you had them fall a great many times on Broadway? A. Yes, sir. Q. Don't that injure them? A. For the moment ; but when 2581 a horse breaks his leg short off in a track, he is done for. Q. Have you had horses seriously injured where there has been no railroad track? A. They have been injured in various parts of the city ; but every driver we have objects to a railroad. Q. As bad as you do? A. Yes, sir. Q. You hate them pretty bad? A. I do for business purposes. Q. Do you occasionally ride in a horse-car, or do you scorn to do that? A. Oh, I go in a horse-car, yes. Q. Then they are conveniences, are they? A. They are a convenience for people who want to ride ; I could ride on a horse, and he would be a convenience. Q. You concede it possible, then, that street cars on Broadway would be a convenience to people who wanted to ride in them? A. They might be a convenience to individuals to ride, but a great nuisance to people living on Broadway, or people doing business on Broadway ; I think

they would be a great curse to them. Q. I don't think I can get any more good out of you ; that is all. A. Yes, sir.

By Mr. Fuller :

Q. Are you aware that the majority of the property-owners on Broadway from Fourteenth Street to the Battery have signed for a road on Broadway—given their consent? A. Property-owners? Q. Yes. A. I don't know that they have ; I wouldn't believe that unless I am told so ; you are a stranger to me, but I would believe you.

Mr. Fuller : Well, I will tell you that they have.

Mr. Beaman : And I will tell you that they have not.

Mr. Fuller : Well, he knows nothing about it and I got the consents.

Mr. Beaman : You did not have them when I asked you for them—you could not find them.

Q. What time of day do you come down town?

A. It varies with the weather. Q. Usually. A.

You want the average. Q. If you cannot tell I can,

for I see you ride along. A. Well, then you answer the question. Q. You usually come down be-

tween 9 and 10 o'clock. A. No, sir, I don't ; in my

earlier life I used to come down at 7 o'clock, but

now I come down at 11. Q. Do you come down

with your team? A. No, sir ; very rarely on ac-

count of the condition of Broadway ; I have ridden

in the elevated cars lately. Q. How often does your

carriage take you? A. I guess once in a fortnight,

and then I have some other business down town, and

I hitch up and come down. Q. And then you drive

down town on Broadway? A. Yes. Q. Do you

drive yourself? A. No, sir ; I am driven. Q. When

and where would you get out of your carriage on

Broadway when you couldn't come down? A. At

Canal Street, many times ; years gone by that oc-

curred many and many a time. Q. On account of

the blockade being on Broadway? A. Yes, sir. Q.

How long have you been on Broadway, Mr. Dins-

more? A. Since 1852. Q. That was the time I was

on Broadway ; do you remember Wm. H. Beebe &

Co., the hatters, on Broadway? A. I don't recol-

lect him ; Judge, you look so ministerial I am afraid

to answer you. Q. Oh, you need not ; I am one of

the most innocent men here, excepting yourself ;

your memory, I presume, is good? A. Excellent ;

- 2585 it is the best part of me. Q. Mr. Dinsmore, between Chambers Street and your offices on Broadway, do you think the crowd is as great to-day or has been as great for the last 15 years as it was 25 years ago? A. Greater sir, and it ought to be. Q. Do you say it is? A. I say it is; yes, sir. Q. You say that to every 100 carriages on Twenty-third Street there are 500 on Broadway below Chambers Street? A. I say so; yes. Q. For every 100 in Twenty-third Street and Broadway, in that vicinity, there are 500 below Chambers Street? A. Yes, and I think it will increase. Q. In conclusion— A. Thank you. Q. Is that as near the fact as all your testimony has been? A. Well, that is a tough question. Q. Very easily answered; is it as near the facts as your other testimony has been? A. I could not answer that; we
- 2586 will waive that; it may be or may be not; that is guess-work; this gentleman has been asking me things, and being a Boston boy I have guessed at that. Q. Has all your testimony been guess-work? A. Some of it has. Q. And this was a guess? A. I should say that is a guess; I did not stand and count them; I don't speak from actual positive knowledge of carriages; I never stopped and counted in Twenty-third Street; I never stopped and counted the carriages on Broadway below Chambers Street. Q. Mr. Dinsmore, with all respect, do you think there are 300 carriages below Chambers Street on Broadway to every 100 on Twenty-third Street and Broadway? A. Well, Judge, I don't want to change what I have said. Q. How is it? A. It would be
- 2587 more consistent in me to stand by what I have said than to vary, of course. Q. You would not venture an opinion that that is as near right as the majority of your testimony has been? A. You asked me that some time ago; I cannot answer that.

NEW YORK CITY, February 14, 1885.

HENRY BERGH, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation Company, being duly sworn testifies as follows:

By Mr. Beaman:

Q. Where do you reside, Mr. Bergh? A. I reside 429 Fifth Avenue. Q. Are you a native of the City of New York? A. Yes, sir; born here. Q. What,

if any, attention have you paid, as a citizen of New York, to the interests of the city so far as they are represented by work that is done by horses and vehicles of various kinds, and horse-cars? A. For the past 20 years, sir, it has been very extensive, indeed, in its relation to horses, to the circulation of the city by means of horses. Q. Are you familiar with the use that is made of Broadway and has been for a series of years—that is, while you have been a resident here? A. Always, sir. Q. What use is Broadway below Fourteenth Street, say from there to the Battery—what is the general use of it, and what relation does it bear to the other parts of the city? A. It is general in its use; I suppose that almost everything on wheels passes during the day through that part of Broadway. Q. You don't mean, of course, horse-cars from other streets? A. Well, I except the horse-car, but that is looming up in the distance, and I thought it so near that I thought perhaps I might include it as well. Q. Mr. Bergh, please state whether, in your opinion, there will be any public interest served by establishing a line of horse-cars on Broadway between Fourteenth Street and the Battery—double track horse railroad—with horse-cars running thereon in the ordinary way at intervals of a minute or less apart? A. In my opinion it would be a serious obstruction to the travel of the city; it is utterly useless by reason of the fact that only a few yards from Broadway any citizen can be provided with locomotion by rail cars, elevated or surface; I am told, without having measured it, that Broadway is about 42 feet wide from curb to curb; I have heard that the tracks of a railroad there would occupy about 18 feet, and then the projection of the cars on the outside of the track would consume 4 feet more, and the consequence would be that there would be left only something like 10 or 11 feet on either side for the immense traffic of that street, the traffic of which, although I have been a great traveler, and been in all the capitals of the civilized world, it seems to me equals, if it does not surpass, that of any other street.

Mr. Beaman: That is all.

The Witness: Now, may I be permitted to supplement these remarks with a little of my experience on the subject?

Commissioner Harris: Yes, sir.

Witness: I have seen in a paper—which one I have

2591 forgotten—and this is one of the great points of my objection to a road on that street, and which I hope by the few remarks which I will make, to satisfy the gentlemen present, is worthy of consideration. In one of the papers I read the other day: “Mr. Beaman wanted to know everything. To begin with, he asked this Jay Gould of street railroads how long he had been connected or identified with horse-car travel in New York. Mr. Sharpe made answer, since 1862; and when pressed for particulars said that he had built and helped to manage the following lines: The Broadway and Seventh Avenue, the Dry Dock and West Broadway, the Forty-second Street and Grand Street, known as the Green Line, the Bleecker Street and Twenty-third Street, and the Christopher and Tenth Street. He admitted that he had been active in securing horse-car legislation for many years, both from the municipal authorities and the State Legislature. Yes, it was true that he had had his eyes on Broadway as a road for street-cars for many years; could not say just when he first thought of it; had tried on three different occasions in the past to secure the passage of a bill authorizing the building of a road on this famous and much coveted thoroughfare.” “And,” said Mr. Beaman with a sweet smile, “what sort”——

Mr. Bright: Are you swearing to all this?

2593 *Witness:* I said I was simply reading from the newspaper. (Continues:) “What sort of a road do you propose to put on Broadway?”—and this is why I read it—“if you are given the chance? ‘A splendid road in all respects,’ Mr. Sharpe replied, and then he explained with pardonable pride that they did not intend to lay ordinary rails; that they had in their mind’s eye an improved track, which, having a groove in the centre, would do away with the objectionable rut usually left for the flanges of car-wheels inside of the rail, and would thus not obstruct the passage of other vehicles; Mr. Beaman wanted to know, if such a thing was possible, why this improvement could not be put on other street railroads.” Now, gentlemen, I am in favor of, and have always been in favor of any railroad that can possibly be created or invented, that can be substituted for the use of horses; surface roads by means of horses, in my opinion, having failed and demonstrated themselves a failure long ago; it is, in my

opinion, utterly impossible for the population of 2594
 this great metropolis to be transported from one end
 to the other properly by horse-cars; I am, there-
 fore, in favor of anything that can be substituted
 for horses; there has been a cable road suggested,
 and I have, as far as I have been able, favored that;
 and if it can possibly be made to be rendered suc-
 cessful, I should be very glad; but the objection
 seems to me to be in this very slot—this very groove;
 unless I understand Mr. Jacob Sharpe's system, the
 objection is to that very slot or groove; this is the
 important objection: that horses will be continually
 getting the calks of their shoes in this slot, and not
 only tearing off the shoes of the horses, but also
 tearing off the hoofs of the horses; at the corner of
 Fourth Avenue and Twenty-second Street in this 2595
 city, where the headquarters of the society that I
 represent are, there has been, until lately, something
 of this sort put down by or through the instrumen-
 tality of Mr. Sharpe's company, I believe; well, the
 horses were there being ruined; I was always very
 much opposed to it; my officers were obliged to go
 and kill these creatures that had their hoofs pulled
 off by reason of their calks getting into these slots;
 I addressed myself at once courteously to Mr.
 Sharpe, and after a long while and negotiations,
 finally Mr. Sharpe seemed to have recognized either
 the error of that slot or the authority of the law—I
 don't know which, or both—and this was taken up
 and something that is not very objectionable is now
 there in its place; now, gentlemen, if there is to be 2596
 anything of the sort put down in Broadway of that
 character, that is going to tear the hoofs off the
 horses (and it is my province to see that that is not
 permitted), why, you will see that if such a road as
 that is laid in the City of New York it will create a
 constant war between the society that I represent
 and the corporation that puts it down; I don't
 know what this proposed rail on the part of Mr.
 Sharpe is; I have never seen it; it may not be ob-
 jectionable, but if it be of the character to which I
 refer, you will plainly see that it inaugurates a
 constant conflict between myself and the proprietors
 of that road.

Mr. Sharpe: The new one I propose to put down
 won't allow any horse's shoe to be caught in it at
 all, sir; the one I propose won't allow a horse to be
 caught at all.

2597 *The Witness* : So much the better ; I was only under the impression that there was a slot there large enough for the calks of the horse's shoe to get in, and that this would be the result daily and almost hourly occurring ; now, gentlemen, I have just received a letter——

Mr. Scribner : You mean a slot large enough to admit the shoe of a horse and too small for it to get out, do you not ?

The Witness : Well, I mean that it should be either large enough to get out or small enough to prevent its getting in ; anything that will secure the hoof or shoe from going in or that will permit its going out will not be so bad.

2598 *Mr. Scribner* : It is the difficulty of getting the calk out, and not the ease of getting it in, that forms your objection ?

The Witness : I would rather not have it in at all ; then we would not have to get it out ; that is just the trouble ; in getting it out it leaves the horse's hoof in many instances on the pavement.

Mr. Scribner : That is in consequence of a narrow slot, isn't it ?

2599 *The Witness* : It is in consequence of a slot that is just of a required size to admit the calk of a horse's shoe and to pull the shoe and the hoof off ; now, I would like to read a little of the experience from another city—Philadelphia—upon the very subject which forms really the very source of my protest here ; I received a letter this morning, from which I quote the following :

Mr. Bergh thereupon read from a letter, as follows :

"I enclose you a copy ; since this application was filed, every objection cited therein against the ordinary slot system has appeared on the cable routes attempted in this city, which so far has proved a failure after extremely elaborate and expensive efforts to make it work ; the pavement outside of the rails, at the distance of a wagon's width, has been cut to pieces as horses cannot be driven over the slot"——

Mr. Scribner : That is a cable road ?

The Witness : Yes, sir ; (continuing) "even the recently laid Belgian pavement, consummated with pitch, on Columbia Avenue, is becoming rapidly destroyed ; a horse driven singly is rarely seen driven between the tracks ; the slots have closed up or

spread open so as to either prevent the grip bar 2600 passing or to make dangerous openings for hoofs or wheels; the slot guards being fixed to the conduits when broken down by heavy wheels or the mighty wedging with iron wedges, used for weeks, the people in the street have stated, that their houses have shaken by this heavy driving of wedges, night after night, cannot be repaired, and the whole has proven a failure"—and something or other—"to the people of the neighborhood: as soon as the frost came the wedges would no longer spread the slot apart, and so the whole came to an end; the present construction here is radically wrong, being simply a hollow tube of iron laid in the ground, with scarcely any outside supports, and certainly not at all adequate to the work of resistance required; 2601 believing, as I do, the future street railroad to be something in the form of a cable road, and realizing the cruelty of the horse system, I doubly regret the lack of the mechanical knowledge shown in the Philadelphia construction which will do much to discredit the system here and elsewhere." Now, it does seem to me, that there is enough in the letter to warrant that we should pause and reflect on the claims of it, so far as the cable road is concerned; but one of the great, and, perhaps I might say, the greatest objection I entertain to this is the obstruction of the back-bone, the vertebra (if I may be allowed to say) of this great city by incumbering it with any road whatsoever; for Heaven's sake let us have one road, one street running north and south, 2602 that is unobstructed; by looking at the map, you see that the city may be compared with an oblong parallelogram; the centre of that parallelogram certainly ought to be open and free; all the rest of the streets are occupied, or nearly all of them are occupied; I don't object to their being occupied with railroads; I think we need that kind of travel, but not so far as this great avenue of the city is concerned, and which means, gentlemen, not only the occupation of Broadway below Fourteenth Street, but also means the occupation of Fifth Avenue up to the Harlem River, for no one pretends to say that they are going to stop at Fourteenth Street; I own property on Fifth Avenue.

Mr. Scribner: I object to anything respecting Fifth Avenue; we have made no application for

2603 Fifth Avenue ; that is not before the Commission at all.

Commissioner Harris : I think you had better confine yourself to Broadway ; it is only Broadway that is under consideration now.

The Witness : Well, I have said all that I want to, but simply to remark that I hope that the central avenue of this city will be exempted from any "Sharpe Jacobism," if I may be allowed the expression.

Cross-examination by Mr. Scribner :

Q. Mr. Bergh, are you a stockholder in any street railroad in New York ? A. None at all. Q. Is Mrs. Bergh a stockholder in the Twenty-third Street
2604 Railroad ? A. Yes, sir ; to the amount of a few thousand dollars. Q. And Mr. Sharpe is the president of that road, isn't he ? A. I believe so. Q. And conducts it well, doesn't he ? A. For his own interest and the interest of his associates. Q. And the interests of Mrs Bergh and the other stockholders, too ? A. Well, I believe so ; I don't know much about it ; I believe they pay sometimes eight per cent. Q. Quite satisfactory, isn't it ? A. And I have been told that they might, if they chose, pay 18 or 20 per cent.

Q. Do you remember by whom you were told that ? A. Oh, no. Q. Were you told by any officer of the company ? A. I have heard it a half dozen times. Q. Have you heard it from any officer of the
2605 company ? A. No, sir. Q. Or anybody interested in the company to your knowledge—anybody who had any knowledge of its affairs ? A. I have been told in a general way the same as you would hear rumors, and not being interested in the road at all, of course, I did not go into the question. Q. This letter that you have read is a letter that you recently received from Philadelphia ? A. Yes, sir ; from Philadelphia. Q. Who was the author of the letter ? A. I don't know as there is any objection to giving the name if it is required.

Commissioner Harris : Yes ; I suppose they have a right, Mr. Bergh, to know what your source of information is ; it is not evidence, what you read ; it is simply—

The Witness : Then, perhaps, there is no necessity of giving this information ?

Commissioner Harris : Well, it is not evidence,

of the facts, it is simply evidence that you have been told so. 2606

The Witness : I am not in the habit of concealing anything, and, therefore, for my own gratification, I would prefer to give you the name ; if the thing is true it will stand upon its own merits ; the gentleman's name is J. W. Heysinger, 1426 Girard Avenue, Philadelphia.

Q. Did you read the whole letter to us, Mr. Bergh ? A. I read all of it except the very beginning of it, except two lines of it, and if you want to hear those two lines I will read those. Q. I don't care for that Mr. Bergh ; what I intended to ask you is this : Does that letter, so far as you read, and so far as it speaks of railroads at all, relate to the evils of the cable system ? A. Yes, sir ; it speaks of the cable system. Q. It is wholly a letter of criticism on the cable railway recently constructed in Philadelphia ? A. As I understand it is confined to the cable system. Q. I presumed it was the cable road recently constructed in Philadelphia. A. I think you would draw that inference from it ? 2607

By Mr. Fuller :

Q. Do your principal objections to Jacob Sharpe's horse railroads rest in the fact that they pay eight per cent. instead of sixteen or eighteen ? A. Well, it is a matter of utter indifference to me, since this percentage does not come to me. Q. It goes to your wife, doesn't it ? A. Yes, sir. Q. All in the family ? A. No ; my wife has got her own fortune. Q. That is your main objection, isn't it, that they don't pay more ? A. It is no objection, and I never offered it in the sense of an objection. Q. Supposing they pay twenty per cent. dividends, would you object to horse-cars ? A. I don't see the connection with the subject, sir. Q. I do. A. You seem to raise a question—you seem to wish to show that a railroad is objectionable just in proportion to the amount of what it pays ; now, that is not my point at all. Q. If you decline to answer the question—— A. No ; I don't decline to answer anything ; I simply want to state my views. Q. Would you object to the horse-cars if they paid twenty per cent. in Twenty-third Street ? A. My objection would not rest upon such a point. Q. You can simply say yes or no ? A. Well, no ; it would not. Q. That is right ; I thought so ; you wouldn't object if they paid twenty 2608

2609 per cent. ? A. That has no bearing upon the subject at all. Q. I think it has. A. Well, I think it has not. Q. It shows that it is the dividend you are looking after, and not the horses. A. No, sir; it is not; I deny that I am looking after any dividend; how can I be looking after a dividend when I am not at all interested? Q. That is all; that is enough; would cars be harder on Broadway on horses than stages? A. Yes, sir; I think so. Q. Do you think that stages are easy on horses on Broadway? A. Well, the other inquiry answers the next one which you put. Q. Do you think that stages are preferable on Broadway on account of the ease they are to horses? A. Well, on account of the horses I don't know that there is a great deal of difference, but, I think the suffering to the animals is rather less with the omnibuses than with the cars; the loads are not so excessive as they are with the cars.

Q. Have you ever seen horses slip down in Broadway, driven on Broadway stages? A. Oh, yes, sir; and in streets elsewhere, too. Q. Have you ever seen horses down who were drawing cars, as often as horses on Broadway drawing stages, in any part of the city? A. Well, they fall everywhere; horses are liable to fall just as you and I are in the street. Q. Have you ever seen one-tenth the number down on the horse-cars, that you have in Broadway hauling stages? A. I have never counted, sir, at all. Q. What is your opinion? A. My opinion is, that there is not much difference. Q. Not much difference? A. No, sir. Q. Did you oppose the elevated railroad? A. Did I oppose it? Q. Yes. A. No; I made no formal opposition to it; I had my opinions with regard to it the same as other people had. Q. Did you not appear at Chickering Hall, and address a meeting in opposition to the elevated railroad? A. Well, that was the expression of opinion as a citizen. Q. You were there and addressed a meeting in opposition to the elevated railroad, were you not? A. I think I was; I think I did say something there once. Q. You had a very dark picture of the elevated road on the stage, had you not? A. There was a picture of that sort. Q. Did you take the picture there? A. I don't remember. Q. You don't remember? A. I don't remember. Q. Is your memory usually good? A. Well, what has that got to do with this subject? Q. A great deal. A. I have a great deal of work, sir, and I would

like to have your inquiries to be as brief as possible. 2612

Q. They will be sir, much briefer than your statements, and much more to the point, if I can make them so; I think you took the picture—at least you admitted you took the picture to Chickering Hall, on the platform portraying the elevated railroads in a very unenviable light? A. Well, suppose I did, what then? Q. Did you? A. I suppose I have a right to take a picture or anything, wherever I like; I don't remember whether I did on that occasion or not; there was a picture; I remember seeing a picture there. Q. Do you remember describing that picture as the road to hell? A. No. Q. You admit that you opposed the elevated railroads? A. Yes, sir; I entertained opinions—but it is not necessary to go into that. Q. What do you think of the elevated railroads to-day, as an accommodation to the traveling public? A. Well, I don't think we are here for an investigation on that subject at all; I don't think my opinions would influence any gentleman here. Q. You don't think your opinions worth much? A. No. Q. I agree with you fully upon that subject. A. Not upon that subject. Q. Have you had any particular experience with cable roads, personally? A. No more than writing to people about them, I don't know that I have. Q. Don't you think that a cable road on Broadway to take the place of horses, would be a great benefit to the horses and the traveling public? A. I have always said, and say this morning, that I should like to see it there, if it be practicable; I would like to see that or anything substituted for the use of horses. Q. Did you hear the evidence of Mr. Halliday, from San Francisco, who was the inventor of this cable system? A. No, sir. Q. You are unaware that he said that in ten or twelve years, in San Francisco, not one horse shoe had been pulled off by the slot? Yes; but I have letters at the headquarters of my society which tell a very different story; because while this cable system was in its infancy, I took pains to address letters to the sister societies in different parts of the country, and I was aware that these roads were in operation, and I learned from different parties what I thought would be the result; from Chicago I heard that it was a daily—almost daily occurrence—that horses were getting their hoofs injured, that there shoes were getting into this slot, and that it was a very

2615 cruel and objectionable mode of locomotion ; that is about the substance of the letters that I have received upon the subject. Q. But you don't know of your own personal knowledge that a horse ever had a shoe pulled off ? A. Not in one of your cable roads, sir ; but I have in regard to the City of New York, in places where they have slots of a similar character.

Q. Is there a single rail in New York City with a slot ? A. Well, there have been rails put down so as to occasion what is called a slot, or rather an opening, which is sufficiently large to admit of the calks of a horse's shoe. Q. Did you ever hear or know of a horse's shoe being pulled off on a Hudson River Railroad track at Thirtieth Street and a hoof with
2616 it ? A. Well, there are isolated cases of that sort that occur where the rail has got out of place, perhaps, or for some reason or other the hoof has been injured ; I have known of such cases. Q. Have you ever known a horse's hoof to be pulled off in a bridge—an ordinary bridge ? A. What do you mean by an ordinary bridge ? Q. A bridge with poles, what we call pole bridges or plank bridges ; did you ever hear of a horse's hoof being pulled off in any other way than by a railroad track ? A. I do not remember, sir ; I can't remember all the accidents that have occurred during twenty years experience. Q. But you remember those that have occurred in the railroads ? A. Yes, sir ; because they have been so frequent. Q. How frequent ? A. Well, that I
2617 cannot tell you unless I have the books of the Society here ? Q. Since you have been president of the Society, how many horses' hoofs have been pulled off ? A. I can't tell you ; they were very numerous.

Q. You are the president of the Society ? A. Yes, sir, and founder of it. Q. And a great friend of the horse ? A. Well, I hope so. Q. I should think you would have that by heart ; if you would tell me the number of horses I would never forget it.

Mr. Beaman : You have a pretty poor memory yourself ; you told me so under oath.

Mr. Fuller : Well, as to numbers.

Mr. Beaman : Well, this is as to numbers.

Q. Could you send us a statement of the number of horses' hoofs that have been pulled off by railroad tracks ? A. No, sir ; my time is otherwise employed. Q. You couldn't tell us the number ? A. No, sir. Q. Have you any idea of the number ?

A. No, sir; I have not. Q. Do you think there are fifteen? A. I decline to answer, because I am not able to give you anything accurate upon the subject. Q. Nor an approximate number? A. No. Q. Do you ride on the horse roads? A. Every day. Q. Do you always find a seat? A. No; very rarely. Q. Have you ridden, holding on to the strap frequently? A. Yes, sir; I am obliged to do so. Q. While the car is packed? A. Yes; packed just as the elevated roads are packed. Q. Sometimes you have ridden on the platform on the rear of a car? A. Yes, sir; and fell off and broke my shoulder once. Q. What do you think a horse would think of a president of a society that would do such a thing as that?

Mr. Beaman: We put on Mr. Bergh this morning by the favor of the Corporation Counsel. My direct examination was very short. Mr. Bergh has gone into his own statements about the matter, and the principal opponent, Mr. Scribner, and myself, have not thought it worth while to go into any lengthy examination, and I do not think that Mr. Fuller ought to continue this. 2618

Commissioner Harris: You must be as brief as possible, Judge.

Mr. Fuller: I have not been as long as they have. I can finish in a couple of minutes, but I want to examine him, for some of these statements that Mr. Bergh has made are unwarranted.

The Witness: The gentleman's memory is not very good. 2620

Mr. Fuller: It is much better than yours.

Q. Did you, at a meeting at Chickering Hall, called for the purpose of a cable road, oppose it on the ground of their having to use a slot? A. A cable road? Q. Yes. A. I expressed my opinion that that was the great and principal objection, together with the possibility of the excavation in the road filling up with water. Q. You did address a meeting at Chickering Hall, opposing a cable road on account of the slot, did you not? A. I address so many meetings, and have been asked to do so, and have done so, so frequently, that I cannot exactly tell you what I stated at that meeting. Q. You did address a meeting there? A. I think I did say something there once.

Q. Do you know any method of travelling over Broadway that you would suggest that would be

2621 any better than the stages? A. The present ones, sir, I think are free and unencumbered. Q. In your opinion we must be confined to the stages at present until something better is invented? A. Stages and carriages and trucks and every other kind of vehicle. Q. Don't you think, Mr. Bergh, that packing into a single horse-car people to the extent that they have to stand up and hold on to the straps and ride on the platform, is cruelty to animals? A. Yes, I do. Q. And still the president of the Society for the Prevention of Cruelty to Animals persecutes the horse in that way? A. If this Commission will allow me briefly to throw a little light on that subject I would be very glad of the opportunity. Q. Yes, we would like any information.

2622 *Mr. Wickes* : I think I must assert my rights. I understood that I was to have a portion of the day, and an hour has elapsed, and one of my witnesses has an appointment.

Commissioner Harris : You must finish soon, Judge.

Mr. Fuller : These gentlemen are in a great hurry it seems to me.

2623 Q. I want to hear your views because we want to get at the facts about these conveniences to the public and we are going to stick to them like beavers? A. With regard to the hanging on to straps—the loading of cars you mean? Q. Yes. A. Well, I have been trying these cases of mine—a chair has been assigned to me in the Court of Special Sessions—for some fifteen years or more, and I have been trying these cases of cruelty to animals; on one occasion the party arrested was in the employ of Mr. Jacob Sharpe, and Mr. Sharpe was called as a witness; Mr. Sharpe seemed to be annoyed at what had preceded him, and when I thought he was sufficiently annoyed to speak exactly his own thoughts and feelings, I then put this important question to him? “Mr. Sharpe, what number of persons, sir, do you think it is proper to put into your cars?” With great vehemence of manner and truthfulness, he replied: “Just as many, sir, as you can cram into them;” “Thank you,” said I to Mr. Sharpe; the counsel, some gentlemen there—seemed to see the mistake that Mr. Sharpe had made and interceded and wished to explain to the Court, but I declined to have any explanation; I had got the answer that I wanted from the witness

and I didn't want any explanation ; it wasn't necessary to have any explanation. 2624

Q. With this state of things existing, don't you think we need new facilities? A. Yes, sir. Q. And don't you think that a cable road that would carry all the passengers and give them a seat without crowding would be an improvement on the present system? A. Anywhere except Broadway. Q. Why do you make Broadway an exception? A. Because it would obstruct the street. Q. Wouldn't it obstruct Mercer Street or Fifth Avenue or— A. It isn't a question of Mercer Street, it is a question of Broadway below Fourteenth Street. Q. You think that Broadway is too sacred for any system of transportation but the stages? A. It is not a question of religion, sir ; all streets are sacred in the sense of their utility. Q. Mr. Bergh, I have one more question to ask you, and without any intention of giving offence I wish to ask, for I was at the Chickering Hall meeting the same night you were, and made an address, didn't you claim there that evening that you were a crank? A. Who said so. Q. Did you make the statement in your address, in your opening address at the time you addressed this Chickering Hall meeting, that you were a crank? A. No ; and what has that to do with it? Q. Do you admit or deny that you didn't state so? A. No, sir, I didn't state so. 2625

Mr Scribner : I want to ask you another question; have seen the cable road now in process of construction in Tenth Avenue? A. No, sir. Q. You haven't examined that? A. No, sir, I have not. 2626

By Mr. Adams :

Q. Have you seen a cable road in operation? A. No, sir, never. Q. You have a letter there from Philadelphia giving a black eye to the Philadelphia road, so to speak ; do you know anything about that construction? A. How is that? Q. I see that letter refers to the construction of the cable road in Philadelphia ; do you know under what system of construction that is, or under what method? A. No. Q. Do you know that such men as Gov. Stanford and C. P. Huntington and such men, build cable roads as they have in San Francisco—do you think they would build them if they were a failure? A. Well, the gentlemen you name are human and have human interests, and it depends upon the returns

2627 that would be derived from a road of any sort whether they would have anything to do with it or not, I suppose. Q. We are speaking of the matter of dollars and cents; would they take up the horse-car roads through the principal streets and put new cable roads there if they didn't pay, or if the cable road was a failure? A. The inference is they would not.

WILLIAM LALOR, called as a witness on behalf of the City, being duly sworn, testified as follows:

By Mr. Wickes:

Q. You are engaged in the real estate business in this city, are you not? A. Yes, sir. Q. How long have you followed that vocation? A. Well, sir, some thirty-eight years or more; ever since I first began buying real estate for my own account, and from that time down to the present, and have been selling it too. Q. Have you been buying and selling real estate in all parts of the city since that time? A. Yes, sir. Q. Do you know of any property in Broadway below Bowling Green suitable for a railroad stable which could now be bought? A. I know of a piece on Whitehall Street, bounded by Pearl, Water and Moore Streets, the old Produce Exchange; I think that would be very suitable for a stable; there is capacity enough to accommodate 2629 there. Q. At what price could that property be bought at present? A. Well, I have been informed by a brother broker that the property could be bought for \$200,000. Q. Has it been offered to you to sell at that amount? A. It has been offered to me within ten days to sell it at \$200,000. Q. Do you know of any other piece of property in the same neighborhood, or near that, that could be purchased for that purpose? A. Well, of greater magnitude? Q. No, of the same, or perhaps a little less? A. I don't know of any other piece except that piece which is occupied now by the railroad folks there. Q. The South Ferry Railroad Company, you mean? A. The South Ferry Railroad Company—that piece I did negotiate for some years ago for Mr. Charles Johnson, but they did not buy it at that time, and the price has increased above what it could have been bought for then. Q. Could

you say at what price that property could be bought for at the present time, or could you approximate? 2630

A. I could approximate, but I couldn't say precisely; I think it could be bought in all probability for \$120,000. Q. And where is that property situated?

A. That property is situated on Bridge and Whitehall Streets. Q. Fronting on Whitehall Street?

A. Yes, sir.

By Mr. Scribner:

Q. Mr. Lalor, do you know anything about the size of these two pieces of property that you speak of? A. Well, I can't give you a correct statement of the number of feet anything more than I think that if my memory serves me right, some years ago I negotiated for this piece of the South Ferry Railroad Company—that was some six years ago, but not since—I was negotiating for that, and I think it was 38 feet on Bridge Street by about 140 on Whitehall. 2631

Q. That would be very limited accommodation for an ordinary street railroad, would it not?

A. Yes, it would be, but at the same time any railroad company would only require maybe not a great deal of high-priced property for that purpose where they could buy it up town for one-third or one-half less. Q. It is not your idea that these pieces of land that you speak of would be adequate for the purposes of a Broadway railroad, is it?

A. I think, as far as the old Produce Exchange is concerned, there is a building that you could have accommodation for horses; you could have two floors above the surface floor and also a cellar. Q. How deep is that? A. I should think there was in the neighborhood, I should think, from general observation, that there are no less than three lots and a half and 100 feet deep. Q. Three lots and a half? 2632

A. Yes, sir. Q. Do you know how many lots are used by the Broadway and Seventh Avenue Railroad Company? A. I know they occupy a large number of lots, but the number I couldn't state. Q. Do you know that this little South Ferry Railroad Company, that occupies this first piece of ground that you spoke of, runs only one-horse cars?

A. Yes, sir. Q. And only a few of them? A. Yes, sir, only a few of them. Q. You know that is a

2633 very short line, don't you, running only up to Vesey Street? A. Yes, sir.

ALFRED SKITT, called as a witness on behalf of the City, being duly sworn, testified as follows :

By Mr. Wickes :

Q. You are, I believe, superintendent of the horse-car line operated by the New York and Harlem Railroad Company? A. Yes, sir. Q. What is ordinarily known as the Fourth Avenue Horse Railroad line? A. Yes, sir. Q. Have you entire charge as superintendent of the management and operation of that line? A. I have, sir. Q. Are you familiar with the equipment of that line? A. Yes, sir. Q. And with the equipment as to stables and blacksmith shops, and horses and everything connected with it? A. Yes, sir. Q. Has the road recently undertaken to extend its tracks? A. We made an application. Q. That application has been granted, has it not? A. I believe so. Q. And have you made yourself acquainted with the market value of the various articles which enter into the construction and equipment of a line in order to build that extension? A. We have, sir. Q. And to construct stables for the purposes of that extension? A. Yes, sir. Q. I wish you would here state—

Commissioner Harris : What is this extension?

2635 *Witness :* It is on Madison Avenue.

Commissioner Harris : It is up town?

Witness : Yes; that has nothing to do, of course, with the Broadway Railroad Company.

Q. I wish you would state what it would cost to build a first class railroad track two and a half miles in length, double track, and what it would cost to equip such a railroad in a first class manner in all respects? A. The estimate that I made for the cost of the track is \$13,650 per mile of double track. Q. How much does that amount to? A. \$34,125—two and a half miles. Q. How many horses would you provide for such a line? A. 850, at \$175 each. Q. How much would that come to? A. \$148,750. Q. And how many cars? A. 75. Q. At how much? A. \$1,100 each. Q. How much would that be? A. \$82,500. Q. Can you buy a first class car for \$1,100? A. Yes, sir; a first class car. Q. Can you buy a first class

car for that? A. Yes, sir; the best in the market. 2636

Q. Harness? A. We would have 150 sets of harness at \$30 a set. Q. How much does that come to? A.

\$4,500. Q. Would you need extra whiffletrees? A. Yes, sir; we would get one set with the cars and we would want one duplicate set; that would be 75 sets at \$4, \$300. Q. What would you allow for tools in the horse-

car stables—brooms, forks, buckets and shovels? A.

\$500. Q. Such a road, I suppose, would have to be supplied with a snow-plow and sweeping machines?

A. Yes, sir; they would want two sweepers and two plows; sweepers costing \$1,000 each and plows \$300

each, \$3,600 in all. Q. would you need any sand-cars for that road? A. Yes, two of them; \$250 a piece,

\$500. Q. Go along, if you please, and tell us the other element which enter into it? A. One tool-car, 2637

\$100; one buggy, \$200; three trucks, \$425 a piece, \$1,325, call it a round amount; one express wagon,

\$150.

Q. And blankets? A. Blankets, \$400; 2 carts, \$50 each, \$100 track tools, \$250. Q. Those are

tools for repairing the tracks? A. Yes, sir, tools for repairing the tracks; then halters, \$150; tools in

harness shop, \$75; feed trough, \$800; one scale, \$150; tools in hospital, \$300. Q. That is a hospital

for disabled horses? A. Yes, sir, sick horses; office furniture, \$600; machinery and equipment of hay-

cutters and mixing feed, \$7,000; equipment in black-smith shop, \$800; equipment in car shop, \$1,000; 2638

and I estimate that to accommodate such a road as I should think would be necessary there they would

want a building two hundred feet square and three stories high. Q. How much would such a building

cost? A. Such a building as that, with the accommodation for 1,000 horses and place for their cars

and car-shops, would cost about \$250,000, exclusive of the property—the ground; in addition to that,

there should go with the cars seventy-five registers to indicate fares as they are collected at \$35, each

\$2,625. Q. What is the total amount? A. The total amount is \$540,800. Q. And with that I under-

stand you could build and equip in a first class, liberal manner, a road two and a half miles long? A.

In a first class liberal manner, exclusive of the ground for the depot. Q. Estimating the cost of the build-

ing—

2639 *Commissioner Harris:* Is this based on the theory of an individual road?

The Witness: These figures are made with reference to a Broadway Railroad at the request of the Corporation Counsel.

Mr. Beaman: But as an independent road. A road that had no connection whatever with any other road? *A.* Yes, sir; we recently made all these inquiries and I made this estimate for the Corporation Counsel's office. *Q.* In estimating this double track, does your estimate of \$13,650 per mile include the cost of rails, hauling and distributing the same from the wharf to the place where they are to be put down and of cross-ties, stringers, and also hauling and distributing them and all the track knees and spikes. *A.* It does, sir. *Q.* All those elements have entered into your computation? *A.* Yes, sir. *Q.* I will ask you, if you please, to give us an estimate of the operating expenses of such a road as you have described, beginning, if you please, with the officers? *A.* The officers—I have one president at \$20 a day; one secretary and treasurer at \$8.00 a day; one superintendent at \$8.00 a day; one purchasing agent at \$4.00 a day; agents and clerks—I have four starters at \$2.00 per day; one inspector at \$2.50 a day; two time-keepers at \$2.00 a day; two receivers at \$2.50 a day—five for the two; one clerk for the office \$2.50 a day; another clerk for the office at \$2.00 a day; one night watchman, \$2.00 a day; one office sweeper, \$1.50 a day; in the stable they would want one foreman at \$3.50, one night foreman at \$2.50; one veterinary surgeon, \$5.00; one carpenter, \$2.25; one truck-driver, \$2.00; forty-seven hostlers, \$1.60 a day; five day shifters and litchers, \$1.60; one water-man, \$1.25; one boy leading horses to shop to be shod, \$1.00 a day; one sweeper, \$1.50; one whitewasher, \$1.50; one harness-maker, \$2.50, and one helper for the harness-maker, \$1.50; for the feed room they would want an engineer and a miller, \$3.00 a day; two helpers for him firing and wheeling grain, filling bags and weighing, \$1.50 a day; four feed men mixing feed and cutting hay, \$1.60; in the blacksmith shop they would want a foreman, \$3.50; five firemen,

\$2.50; and five floormen at \$2.50; now on the track they would want one track-master, \$3.25 a day; two 2642
 pavers, \$1.75; two rammers, \$1.75; two laborers, \$1.50 and a cart driver, \$1.75 a day; in the shop they would want a foreman, \$3.50, and three carpenters, \$2.25; three painters, \$2.25; two gear men, \$1.75. Q. Just explain what a gear man is? A. A gear man is one who has charge of the trucks and brakes, shoes and wheels and running gear only; then they would want two lamp men to fill the lamps and trim them, \$1.50 a day; five car cleaners, \$1.50; one jobbing smith and helper, \$5.00 a day for the two. Q. For conductors and drivers, &c.? A. I estimate that to run this road from six o'clock in the morning until seven on two minutes headway, and from seven o'clock in the morning until seven o'clock 2643
 at night on a minute headway, and from seven to half past ten on two minutes headway, and from half past ten until twelve on three minutes headway, it would only take actually sixty cars in operation and those men would do the work of seventy-five, so there would be seventy-five conductors at \$2 a day and seventy-five drivers at \$2; we have already estimated that in the outfit there would be 850 horses; to feed 850 horses at thirty cents a day would be \$255, and the material for shops, including shoes, \$25. Q. Are there miscellaneous expenses entering into daily cost of operation? A. Yes, sir, there are miscellaneous expenses the total of which I would estimate at \$50 a day. 2644
 Q. Please state how that total is made up, what items? A. Disinfecting, \$2 a day; renewal of brooms and stable tools, \$2 a day; gas per day, \$4.50; car oil for lighting cars, \$1.50; printing, \$2; insurance, \$10 a day; contingencies and contributions, \$3 a day. Q. What do you mean by contributions? A. I estimate at the rate of \$1,000 a year for men that are disabled or leave off for a day or two, and the company makes a contribution of half wages for any such thing; then I estimate the legal expenses at \$25, making a total of \$50 a day for miscellaneous expenses. Q. What is that item of \$2 for disinfecting, what is that? A. Disinfecting the stable. Q. That is necessary where such large operations are carried on? A. Very necessary, yes, sir. Q. What do those expenses amount

2645 to, the total expenses of operating? A. \$909.10, making a total for 365 days at \$909.10 of \$331,821.50. Q. You would make deduction from that in case of the Sunday traffic? A. I make a deduction that they would not make as many trips on Sunday by about twenty as they would on other days, and the expenses would be the same excepting for conductors and drivers where we make a deduction of \$80 a day for fifty-two Sundays, \$4,160, making a net total of \$327,661.50. Q. Are there any losses which enter into the yearly expense? A. I make the renewal of the 850 horses \$24,450 a year. Q. That is accidents will require the contingency of 850 horses to be kept up? A. Yes, sir; and other repairs \$10,000. Q. Is there any further charge? A. In addition to that I have estimated here for the taxes on real estate \$8,750. Q. On what basis do you compute that tax? A. That is 2½ per cent. on \$150,000, but I think that is low; I think that that should be doubled; I put this down without really thinking of the depot grounds—you see I had the depot valued at \$250,000 and I suppose that would be in excess of that one hundred and fifty, and this \$3,750 is without taxes on the real estate. Q. What is the total then? A. The total amount is \$365,861.50.

Commissioner Harris : The taxes would be more than what you have given?

2647 *The Witness* : Yes, sir, I think they would be doubled; if Mr. Wickes wishes I will alter that now.

Mr. Harris : What percentage do you take on the assessed value?

Witness : Two and a half per cent.

By Mr. Wickes :

Q. You think your estimate is liberal in other respects? A. Yes, sir; the difference is only a matter of three or four thousand dollars a year. Q. What is the total operating expenses? A. With taxes on that basis of \$3,750, the total operating expenses would be \$365,861.60. Q. Just about a thousand dollars a day, is that a liberal estimate? A. It is not extravagant, sir; that is what I should call a fair estimate for operating the road. Q. It is not the cheapest? A. Not by any means. Q. It is not

at starvation rates I suppose? A. No, sir; it was fair. Q. And these officers and agents and clerks and people—suitable people in the feed room, in the blacksmith shop and for the care of the track, and in the car shop, and conductors and drivers, and for the feeding of horses, are all upon a substantial business, first-class basis, are they not? A. Yes, sir; the track department—exception can be taken to that that there will be extra expenses in connection with snow; of course that is entirely unknown this year; the snow has been very light this year, but it might be very heavy and particularly on Broadway where I presume, great care would have to be taken. 2648

Q. Then to sum up your testimony, to build and equip such a road, excepting the ground desired to build the stable upon, would cost \$540,800? A. Yes, sir. Q. And to operate such a road as you have described it would cost \$365,861.50? A. Yes, sir, exactly; with an addition, probably, for taxes and for Winter expenses on the track. 2649

Commissioner Harris: That is for a year? A. Yes, sir, a year; these figures are about \$1,000 a day.

Cross-examination by Mr. Scribner:

Q. Mr. Skitt, what is your age? A. I am thirty-nine. Q. How long have you been connected with the Fourth Avenue Railroad? A. Between six and seven years. Q. How long have you been superintendent of the Fourth Avenue line? A. I have been superintendent, sir, about, say two and one-half years. Q. What was your previous position on the line? A. I was auditor. Q. As auditor your duties were office duties mainly? A. Yes, sir. Q. Have you ever superintended the building of any portion of the Fourth Avenue line? A. No, sir. Q. Have you ever superintended the building of any street railroad? A. No, sir. Q. Does the Harlem road with which you are connected pay to the City Treasury any portion of its gross receipts? A. I think not, sir. Q. Does the Harlem road pay to the City anything in the way of rent for the privileges or franchises which it enjoys in the streets of the City of New York? A. I could not say as to that. Q. Does it to your knowledge? A. Except in the way of taxes—regular taxes—and taxes on its tracks. 2650

- 2651 Q. Taxes on its real estate? A. Taxes on its real estate and its tracks. A. Are the tracks of the city railroads under the present system of taxation taxed as real estate to your knowledge? A. I believe they are, sir. Q. In giving the amount of \$3,750 as your estimate of the money to be paid for taxation, have you taken into consideration that the tracks are taxed as real estate? A. I did not. Q. Then you have omitted from your schedule anything by way of taxes to be paid on the tracks when created, have you? A. I did, sir, for the reason that I supposed that this was under a special arrangement and the franchise would be granted—the pay for the franchise would cover that. Q. In your estimate of the
- 2652 operating expenses have you included anything to be paid to the City by way of a tax on the gross receipts, or by way of deduction from the gross receipts of the company? A. No, sir; I made no estimate as to what the gross receipts were. Q. Were you informed when you were asked to prepare this estimate, that by the terms of the permission granted by the Common Council this road was required to pay into the City, during the first five years of its operation, three per cent., and during all subsequent periods of time five per cent. of its gross receipts? A. No, sir; I was not. Q. Were you informed when you were requested to make out this schedule that you have prepared, and concerning which you have testified, that by the terms of the Corporation grant
- 2653 that this road would be required to pay in addition to the percentages I have referred to—three per cent. during the five years and five per cent. thereafter—the additional sum of \$40,000 per annum by way of rent to the City for the use of this two and a half miles of track? A. No, sir. Q. Would you regard that as a very large and considerable item to be added to the operating expenses of such a railroad? A. I should, sir; being over ten per cent. of the estimate that I made. Q. You would regard that as a very large and liberal sum to be paid, would you not, for the use of Broadway? A. Yes, sir; I should. Q. Do you know of any other railroad which has ever paid, or has proposed to pay, into the City Treasury any such liberal sum by way of rent or compensation for the use of that street? A. No, sir; I don't. Q. Are you aware of any other railroad in the City

of New York that pays any like sum or anything in proportion to that sum for the use of the streets? 2654

A. I am not. Q. Suppose you were told that by the terms of the consent granted by the Common Council this road was to pay three per cent. during the first five years of its gross earnings, and thereafter five per cent. of its gross earnings, and in addition thereto, from the time when its operations commenced, \$40,000 per annum in addition to all its taxes on real estate, and in addition to the taxation of its tracks, as other city railroads are now taxed, would you not regard that as a very large item and a very severe burden on a railroad of only two and a half miles in length? A. I should.

Q. And would you say that if, in addition to all that, the railroad company operating this two and a half miles of track was required to pay taxes on personal estate as other city railroads are now taxed, that the burdens assumed by this road were quite extraordinary? A. I should certainly think so. Q. 2655

Now, you have spoken of the building required for the purpose of a depot, the \$250,000 which you have mentioned, I understand you, to be a mere estimate for the building proper, exclusive of the ground on which such building would be required to stand? A. Yes, sir. Q. And the size of the ground to be 200 feet square? A. Yes, sir. Q. Do you think that would be sufficient accommodation for such a railroad as should, and probably would, be built on Broadway? A. Such a railroad as is now contemplated, yes; in the way I speak of leaves a margin for 150 horses over the amount required to start with. Q. Do you know of any piece of ground of that size anywhere on the line of the road or within any reasonable distance in that neighborhood that could be bought for \$500,000? A. I do not. Q. Is it not your best opinion that the ground suitable for the erection of such a building anywhere within reasonable distance of the line of Broadway would cost largely in excess of \$500,000? A. I think that would be a large estimate. Q. Do you know of any piece of ground of that size on Broadway which could be procured for that amount of money? A. No, sir; I don't. Q. And do you understand that this road must of necessity, under the law, be confined to Broadway for the location of its depot? A. 2656

- 2657 I suppose Whitehall Street or State Street would do. Q. Suppose the road extends only to the Battery and is wholly located on Broadway and does not extend through Whitehall Street or State Street, do you know of any piece of ground on the route that could be bought for \$500,000, suitable for such a building as you have described? A. I am not informed of any; I haven't the means of knowing what it could be bought for. Q. In estimating this \$3,750 as the amount of taxes which the company would be required to pay, I understand you have not included in that item any taxes on the tracks? A. No, sir. Q. Have you included in that estimate any amount for personal taxation? A. No, sir. Q. What have you included in the item of \$3,750, as
- 2658 subject to taxation? A. Nothing but the building. Q. Nothing but the building itself? A. Yes, sir. Q. That is independent of the ground? A. Yes, sir. Q. In giving the item which you did give, and the amount of which I have forgotten, respecting insurance, what insurance would be covered by that item? A. Two hundred thousand dollars at one and a half per cent. Q. How is that? A. Two hundred thousand dollars at one and a half per cent. Q. That would be barely the cost of the cars and horses, would it, or does that include anything for insurance on horses and cars? A. I take it that the company would carry some of the risk on both themselves. Q. The Harlem road once had a fire, didn't it? A. Yes, sir. Q. Burning
- 2659 up a great many cars and horses, did it not? A. Yes, sir. Q. The Eighth Avenue railroad once had a fire and burned up a great many of its cars and horses? A. Yes, sir. Q. In the estimate that you have made—the schedule that you have made of the operating expenses of the road—have you taken into consideration, or has anybody told you, that by the terms of the consent or permission granted by the Common Council to this company, it is subject to any reasonable rules or regulations which the Common Council may at any time prescribe, respecting removal of snow from its tracks in Winter? A. No; I never was. Q. Snow expenses are always very heavy, are they not? A. Yes, sir; they are. Q. They would be particularly heavy on Broadway; don't you think so? A. Yes, sir. Q. You think

the expense of hauling or removing snow would exceed that on any equivalent track in New York; don't you? A. Yes, sir.

Q. In the estimate that you have given, have you taken into consideration, or has anybody told you, that by the terms of the consent or permission granted by the Common Council, under which this railroad, if constructed, must be built, that the railroad is required to pave the street (Broadway) between its tracks, between the rails of each separate track, and two feet on either side of its rails? A. No, sir. Q. That has not entered into your computation of the operating expenses of the road? A. No, sir. Q. Would that add largely to the operating expenses of the road, Mr. Skitt? A. It would, sir. Q. You would regard that as a very large and unusual burden imposed upon that street railroad, would you not? A. Yes, large burden. Q. A large burden? A. Yes, sir. Q. And the expense of that it would be impossible for you to estimate, would it? A. Yes, it would at once. Q. It would be impossible for you to estimate in advance what would be the probable cost of maintaining the track as required by the terms of the resolution of the Common Council on such a street as Broadway? A. I think such an estimate could be made. Q. You think such an estimate could be made? A. Yes, sir. Q. Broadway is a street much traversed with vehicles of all kinds, is it not? A. Yes, sir. Q. And is it not the experience of all street railroads that their track and the pavement between their tracks is worn out much more by vehicles of other kinds than by the street cars and the horses attached to them? A. Yes, sir. Q. As a matter of course, then, the greater the travel on the street the greater would be the burden of keeping the pavement in repair? A. Yes, sir. Q. The expense that you have figured up, as I understand you, would amount to about \$1,000 a day? A. Yes, sir; without any of these extraordinary items. Q. Without any of these extraordinary items that I have mentioned? A. Yes, sir. Q. Suppose the receipts of the road were a million dollars per year—that is, the gross receipts of the road were a million dollars per year—what addition would these percentages that I have mentioned and the \$40,000

- 2663 by way of rent or compensation make to these operating expenses? A. I hardly remember all the items you have mentioned, but I think it is likely that all the taxes and burdens you speak of, that they might be doubled. Q. That would double the expenses you estimate? A. Yes, that might; I won't say so, because I should want time to figure it; I don't mean, of course, that every expense would be doubled; the matter of stable expenses, and agents, and clerks, and stock, and repairs would be the same, but other expenses would be probably doubled. Q. It has often happened in the experience of the Harlem road that they have run over a man in the street and broken his leg? A. Yes, sir. Q. And had to pay roundly for it? A. 2664 Yes, sir. Q. There are such things known in the management of street railroads and in the history of litigation as damages recovered for personal injuries for large sums of money? A. Yes, sir. Q. And how much have you allowed to cover all such items of expense? A. \$50 a day. Q. Fifty dollars a day? A. Yes, sir. Q. That is how much for the year? that is a little over fifteen thousand dollars a year? A. One hundred dollars would be \$36,000 a year, and fifty dollars a day would be \$18,000 a year. Q. There have been such things known in the history of railroads and of courts as a single judgment exceeding that amount? A. Yes, sir. Q. In favor of a single individual for a single hurt? A. Yes, sir; I think, though, that a railroad operated 2665 carefully, taking one year or another, my item of \$18,000 a year would cover damages. Q. But it might amount to \$100,000? A. Yes, sir; in any one year.

Commissioner Harris : Would that include counsel? A. Yes, that includes everything. Q. Do they ordinarily employ cheap lawyers? A. No, sir; not very cheap.

By Mr. Beaman :

Q. Your estimate is on the basis of employing expensive lawyers? A. Yes, sir. Q. You are operating a horse railroad running from City Hall here to how far? A. Eighty-sixth Street.

Q. You carry passengers all that way for how much? A. Five cents. Q. You have how many de-

pots for horses and cars? A. One, sir. Q. That is 2666
 where? A. At Thirty-second Street. Q. Could not
 a road be operated on Broadway, from Fourteenth
 Street down to the Battery, assuming that it had a
 connection with the Broadway and Seventh Avenue
 road and ran in connection with that road, cars run-
 ning over both roads to Fifty-ninth Street, practically
 be operated on the basis of keeping all its horses and
 cars at the stable of the Broadway and Seventh Ave-
 nue road as it now exists, perhaps enlarging it some,
 but keeping them in that one space? A. Such a
 thing could be done. Q. Is it a necessity, in your
 judgment, and a part of the condition of having a
 road on Broadway, an independent road, from Four-
 teenth Street to the Battery that there has got to be
 some land on Broadway in that section to put a 2667
 stable on containing a thousand horses? A. It
 would be necessary to have it somewhere, not neces-
 sarily on Broadway. Q. And your estimate does not
 contemplate that it shall actually be on Broadway?
 A. No, sir; my estimate has nothing to do with the
 land. Q. The cost of the stable—the building—of
 course would be the same wherever the building
 would be built? A. Yes, sir. Q. Is this estimate
 that you have made founded on such experience as
 you have had in practical matters connected with
 the railroad of which you are superintendent? A.
 Yes, sir. Q. You said that there should be about
 seventy-five cars? A. Yes, sir. Q. Is that a large
 allowance for cars? A. Not large, it is fair. Q. A
 fair allowance? A. Yes, sir. Q. How about horses; 2668
 you have 750 horses? A. Ten horses to a car. Q.
 Does this allowance that you have made contem-
 plate the running of the cars all day and all night?
 A. Not all night, sir. Q. What time? A. Eighteen
 hours a day. Q. Is that the usual time the horse-
 cars are run, say on your line? A. Yes, about? Q.
 How about the Broadway and Seventh Avenue line?
 A. I don't know.

Mr. Scribner :

Q. I want to ask you another question—this Har-
 lem road runs how far? A. To Eighty-sixth Street.
 Q. From where, the City Hall? A. The Post Office.
 Q. That road is how long? A. Five miles and a
 half. Q. What were the total receipts of that road

- 2669 last year for this five and a half miles of track? A. I don't remember, sir; I think they were some \$800,000. Q. \$800,000? A. Yes, sir. Q. For five miles of track? A. Yes, sir. Q. It is a good road and well patronized? A. Yes, sir. Q. And running through a thickly settled section of the city? A. Not thickly settled, sir; but it does not compare with the other roads—the Broadway and Seventh Avenue or Sixth Avenue—we run over two and a half miles of district which is entirely residences and that is different from running through a business district. Q. Then you run up a built-up portion of the city? A. Yes, sir. Q. All the way? A. Yes, sir. Q. And your receipts—the receipts of your road—to Eighty-sixth Street are about as much every year? A. Yes, but we run two miles farther. Q. But the receipts of your road are about as much as the Broadway and Seventh Avenue every year? A. Yes, sir.

By Mr. Wickes:

- Q. If this road should be run in connection with the Broadway and Seventh Avenue road, we will say, and the present stable accommodations of the Broadway and Seventh Avenue road were offered to this road, they would not need so large a stable on Broadway, would they? A. No, sir. Q. You would need then a place only to keep a few horses and store only a few cars, would you not? A. That is all. 2671 Q. In case a lot upon the lower part of Broadway should not be found of the size that you have indicated, 200 feet by 200 feet, a separate space could be made by the company, could it not, by increasing the number of stories to the building? A. Increasing the number of stories to the building. A. It could be, but for a horse railroad I would not recommend a building higher than the one I have estimated upon. Q. How much is that? A. Three stories, two floors above the street. Q. How many stories are there on your building in Thirty-second Street? A. Only one above the street. Q. Can you estimate what the snow expenses would be on two and a half miles of railroad, from your knowledge of what the snow expenses

have been on your own road in recent years? A. 2672

I could not, sir, because I take it that the City would be much more particular about such important a thoroughfare as Broadway than they would on any others. Q. The same duty would exist in

the case of this road to keep its tracks clear in case of snow as exists in the case of the Harlem Railroad, would it not? A. The clearing of the tracks

would be, of course, no more than any other road, the actual removing of the snow from the horse paths; but I take it that on Broadway any railroad that was there would be compelled to cart away an immense quantity of snow, at great expense, to keep the merchants quiet, so that their travel would not be impeded. Q. Take it that they would not be

required to cart away any snow but only to keep 2673 the tracks clear.

Mr. Scribner : I object to that for the reason that by this Corporation grant we are subject to any rules or regulations that may be prescribed respecting the removal of snow not only from the car tracks.

Commissioner Harris : I think it is competent to ask the question both ways and then it will fit any view of the law that may be insisted upon; if the witness can state it both ways why then we have got it all. Q. What would it cost to remove the snow from the tracks? A. I think an additional expense for the tracks alone, on an average for sweeping, say \$100 a week for sixteen weeks—four months—would cover that part of it; the leveling 2674

off after it was swept; the leveling off to comply with that instruction of the ordinance, not that it be all carted away, but a reasonable quantity carried away and the rest leveled so that it might be a foot or two thick, so that vehicles could run over it, might cost five thousand dollars during the Winter.

Q. One Winter? A. Yes, sir. Q. That estimate of \$100 a week for sixteen weeks is very reasonable, is it not; much less than that amount has been spent by your road this Winter? A. Yes, sir. Q.

And that is a fair estimate? A. Yes, but there are times when we would have to hire hundreds of men to shovel the snow back from the tracks. Q. About paving; can you give us an estimate for the paving of the track and the space between the tracks, and

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can't say that it has. Q. Do you say that it has 2678 not paid \$1,600 in one day? A. Yes, sir; I say it has not. Q. It is not an uncommon thing for street railroads in the City of New York to employ carts and men to shovel and take away snow; I mean for their own accommodation, independent of any ordinance of the Common Council? A. It is not uncommon. Q. And those things are expensive, are they not? A. Yes, sir. Q. Horses and carts in the Winter season, when there is snow on the ground, come high, don't they? A. Yes, sir; pretty high. Q. What is the amount that you remember to have paid for snow expenses on the Harlem road during your administration of the affairs there? A. I don't think any estimate that I could make would be fair, 2679 because we do so much of our work by our own forces, and we have conveniences that hardly any other road has. Q. Your experience in the matter—your experience as superintendent has been within the last two or three years, when the snow expenses have not been very heavy? A. Yes, sir. Q. And back of that you have no knowledge? A. It would not compare with any other road; it would not be a fair comparison with them, because we can do it cheaper. Q. Your expenses are less than those of any other road? A. Yes, I think they are. Q. But on any road they are apt to be heavy if the Winter is severe? A. Yes, sir.

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By Mr. Beaman:

Q. What is the capital stock of your road? A. Nine million four hundred and fifty thousand dollars. Q. Any bonded debt? A. There is; but this is—that don't relate to the horse railroad at all; we have a steam road. Q. Your road is owned by the Harlem road? A. Yes, sir; we have a steam railroad running 125 miles out of town. Q. What were your net profits on this horse railroad last year? A. I think about two per cent. Q. Two per cent. on what? A. On the capital stock. Q. That is two per cent. on nine millions and something? A. Yes, sir. Q. Will you state in figures the total profits—in rough figures—the last year of your horse railroad? A. No, sir; I cannot. Q. Over \$500,000? A. Two per cent. on nine millions isn't that. Q. Over two hundred thousand? A. No, sir. Q. Less

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expenses as were caused by any peculiarity of the pavement, as compared with the pavement as it exists on Fourth Avenue? A. Yes, sir. 2684

By Mr. Fuller :

Q. What was the amount of passengers carried last year? A. Fifteen millions. Q. The counsel asked you if you employed expensive lawyers? A. Yes, sir. Q. Have you ever employed any that were not expensive? A. No, sir.

By Mr. Scribner :

Q. You told Mr. Beaman that the Harlem Railroad declared dividends or earned two per cent. dividends on its stock; out of that it paid nothing to the City by way of percentage on gross receipts or by way of rents for its tracks, to your knowledge? A. I think not beyond the tax on the tracks—on the tracks themselves. Q. So that if you were subjected—or your road were subjected—to the same terms and provisions in respect to compensation that are imposed on this proposed road by virtue of the resolution of the Common Council, you would have to pay 80 or 90 or 100,000 dollars a year? A. Yes, sir. 2685

By Mr. Beaman :

Q. At what rate was your company taxed for its road-bed? A. I am not familiar with that subject at all. 2686

SIMEON E. CHURCH, called as a witness on behalf of the City, being duly sworn, testified as follows :

By Mr. Wickes :

Q. Mr. Church, have you recently compiled from official records the details of passenger traffic for the year 1884 of the various surface railroads, the principal lines? A. I have assisted in the compilation. Q. Look at that table which I now show you and state whether that table is correct? A. I think it is.

Mr. Wickes : I offer that paper in evidence, with

2687 the exception of the Manhattan Elevated Railroad traffic, which is not pertinent, as I take it.
Marked Exhibit "1" of this date.

Q. Do you know the length of the Third Avenue road? A. I cannot state it now with accuracy; I think about eight miles. Q. Do you know the length of the Sixth Avenue? A. I have that all at my office, but I cannot tell you now. Q. Have you heard the testimony given by Mr. Lalor? A. Yes, sir. Q. And by Mr. Skipp? A. Yes, sir. Q. Taking those figures as correct, can you give us an estimate of the value of the Broadway franchise? A. I can give the estimate of its value, but I must necessarily assume a certain amount of passenger traffic, and there is no evidence given about that; 2688 the passenger traffic will be, I must assume—I will make this statement, and it is my estimate of the passenger traffic of the road; the figures given this morning on the track and equipment and stable was, I think, \$530,000; I have made my estimate upon the basis of \$660,000, because that was given me—— Q. That includes the price to be paid for the ground on which to build the stable? A. Yes, sir; assuming the track, equipment and stable to be \$660,000, and the passenger traffic to be twenty millions a year at five cents fare, and the operating expenses at \$365,000 a year—a thousand dollars day—the value of the franchise upon that basis is \$5,390,- 2689 000; I make that upon the hypothesis that the value of the franchise is that sum which pays 10 per cent. in excess of 10 per cent. on the investment; the operating expenses I put down at \$365,000, and 10 per cent. of the investment is \$66,000, which would leave a net profit of \$569,000, from which I have now, since I have been in the room, deducted 3 per cent. as being the amount required to be paid to the City upon the gross earnings, and that would leave \$539,000 after paying 3 per cent. to the City Treasury, and that would leave a net profit of \$539,000, and that is 10 per cent. upon \$5,390,000.

Commissioner Harris: What do you make the gross earnings? A. This is upon the basis of their carrying twenty million passengers a year. Q. Mr. Church, have you made the subject of traffic and transit generally a study? A. I have, yes, sir. Q. As to the estimate of that traffic, is that, in your

opinion, an extravagant or exaggerated estimate, 2690
 your estimate of twenty millions? A. I think it is
 a fair estimate; I have made an estimate also upon
 the basis of fifteen millions, but I think twenty
 millions is a fair estimate. Q. Will you state to the
 Commissioners what considerations enter into your
 mind in fixing that as a fair estimate? A. Judging
 from the traffic on other railroads—I compared it
 with the traffic of other roads; three million passen-
 gers per mile is the average of the Third Avenue
 traffic, and I think this will be double that; the
 Twenty-third Street line, its passenger traffic
 amounted to ten millions two hundred and some
 odd thousand; I think the Twenty-third Street
 traffic would vary in comparison with the Broad-
 way; I think it would be double to the Twenty- 2691
 third Street line. Q. That is a short line, a horse-
 car line? A. Yes, sir; and it has a connecting
 branch, I believe, running up on the west side to
 one of the ferries. Q. Has your study of this sub-
 ject of passenger traffic led you to believe, or led
 you to the fact that the traffic constantly increases?
 A. Yes, sir. Q. At what rate or ratio does the
 passenger traffic increase? A. Well, are you
 speaking now of the whole city? Q. Generally,
 yes. A. It has increased at the rate of nine mil-
 lions since 1850, on an average, since that time, but
 much larger in later years; it is about nine millions
 a year since 1850, but lately about eighteen mil- 2692
 lions a year, recently. Q. Recently? A. Yes, sir.
 Q. That is with an increased amount of railroads?
 A. Yes, sir. Q. That is to say the community re-
 sponds at once to an increase of railroads? A. The
 railroads make the traffic, and the traffic supports
 the railroads.

Cross-examination by Mr. Scribner:

Q. Mr. Church, what is your business? A. I am
 a lawyer. Q. Have you ever been an officer of a
 street railroad? A. Never. Q. Do you know any-
 thing about the receipts or expenses of street rail-
 road companies except what you get from books?
 A. I do not. Q. You have given the statement of
 the gross earnings of the Twenty-third Street line as
 how much? A. I have given the gross carriage at

- 2693 31,000,000—their gross carriage. Q. The Twenty-third Street? A. I thought you said the Third Avenue. Q. No, the Twenty-third Street? A. I give it at 10,279,303. Q. And do you understand that to be the number of passengers carried on the twenty-third Street cross-town line? A. I understand that to be the return which you made to the State Engineer's Department at Albany of your carriage last year. Q. Are your figures based upon the idea that this is the number of passengers carried on the Twenty-third Street line of railroad? A. Yes, sir; on the Twenty-third Street line of railroad. Q. Now, is all your testimony based on as accurate calculations or does that equal in accuracy with your other testimony? A. I am not speculating. Q.
- 2694 When you are getting down to facts and figures here I am entitled to know whether that is as accurate a calculation as you made with respect to other matters? A. I say that is accurate, and my other testimony is accurate. Q. Don't you know the Twenty-third Street line is operating the Bleecker Street Railroad, which is a long line? A. I told you I thought it was operating a branch that ran to one of the ferries. Q. Didn't you mean by that a little spur on the east side? A. I mean to say that the Twenty-third Street line reported the carriage at 10,279,303. Q. How is that? A. I mean to say that the Twenty-third Street line reported to the State Engineer a carriage to the amount of 10,279,303; I believe the Twenty-third Street line is a consolidated line having a road running down to one of the ferries. Q. But when you gave your testimony didn't you mean the Commissioners to understand that you were testifying respecting the number of passengers carried on the Twenty-third Street cross-town line? A. I expressly said that I believed the Twenty-third Street line was running a branch to one of the ferries. Q. Didn't you expressly conceal the fact that you knew that that included the Bleecker Street line, an entirely independent line, and twice as long as the Twenty-third Street line? A. I didn't conceal any fact. Q. Didn't you in fact conceal the fact that all the passengers carried on the Bleecker Street line were included in those returns? A. No, sir; I intended to reveal the fact and not to conceal it. Q. If you intended to reveal it, why didn't you
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use some language which would indicate that? A. 2696 -
 I used the proper language by stating the fact. Q.
 That that was a little branch that you understood
 ran to one of the ferries: was not that substantially
 the language you used? A. No, sir; I said it em-
 braced a line of railroad down to one of the ferries.
 Q. Didn't you say that the receipts on the Twenty-
 third Street line compared more directly with the
 probable receipts of the Broadway line because it
 was only two and a half miles long? A. I said noth-
 ing about receipts at all; I said the passenger traffic
 was so much a mile and I thought that Broadway
 would be double. Q. You do now understand that
 those passengers that are reported by the Twenty-
 third Street route are passengers that were carried
 on all the lines operated by that company, its leased
 line as well as its own line? A. Yes, sir. Q. And
 don't you understand that the Bleeker Street line
 is a great deal longer than the Twenty-third Street
 line proper? A. I don't know what its length is.
 Q. You don't know anything about that? A. No,
 sir. Q. Do you know what the route of the Bleeker
 Street road is? A. No, sir; not as separate from
 the Twenty-third Street line. Q. With reference to
 the receipts of a possible railroad on Broadway, how
 do you fix your estimate of 20,000,000 of passengers;
 where do you get it from? A. I judge it only by
 the position of the street and its relation to other
 roads. 2697

Q. For this whole estimate of yours, of course, 2698
 you have got no actual figures on which to base
 that estimate? A. No, sir; I have not. Q. No-
 body can tell that until the road commences to run?
 A. No, sir. Q. You were perfectly aware when you
 were making your estimate that the Broadway Sur-
 face Railroad, if it acquires this grant, has got to
 pay more than \$30,000 a year to the City, were you
 not? A. No, sir; that is 3 per cent. upon a million
 of dollars. Q. Were you utterly ignorant of the
 fact, Mr. Church, that by the terms of the grant of
 the Common Council they are to pay not only 3 per
 cent. of their earnings the first five years, but 5 per
 cent. thereafter? A. I gathered that from your
 statement here this morning. Q. Mr. Church, are
 you likewise ignorant of the fact that, in addition
 to these percentages, by the terms of this permis-

- 2699 sion of the Common Council which the Broadway Surface Railroad Company has expressly accepted, that they are required to pay an additional compensation of \$40,000 a year? are you aware of that? A. I was not aware of that. Q. You have not heard that or seen it in the public print, and have not been informed on that subject by the Corporation Counsel, have you? A. I may have been, but I don't remember that. Q. You would regard that as quite important, wouldn't you? A. It would be \$40,000 a year. Q. Yes, equivalent to 4 per cent. on a million of dollars, isn't it? A. It would change my estimate by 10 per cent. upon \$40,000—\$4,000; yes, sir. Q. It is 4 per cent. upon a million dollars, \$40,000 is, is it not? A. Yes, sir. Q. And 2700 \$30,000 a year during the first five years is 3 per cent. on a million dollars, isn't it? A. I think it would require \$4,000 to be taken out of my estimate. Q. Please bear in mind my question, Mr. Church; now, \$30,000 per year is 3 per cent. on a million of dollars? A. Yes, sir. Q. Then, assuming that I am right that this Broadway Surface Railroad has entered into an obligation to pay \$40,000, in addition to the percentages on gross receipts, it would be paying 7 per cent. on a million dollars a year to the City for the first five years, would it not? A. If it had to pay \$40,000 a year, yes, sir. Q. Assuming, I say, that we have entered into a binding obligation to pay to the City, in ad- 2701 dition to the percentages of gross receipts, \$40,000 a year, and that during the first five years we have got to pay 3 per cent. on a million dollars? A. Yes, sir. Q. And suppose during the next five years we have got to pay 5 per cent., in accordance with law, and in accordance with the stipulation we have entered into with the City, that would make 9 per cent. on a million? A. Yes, sir; assuming that to be true. Q. And that would be $4\frac{1}{2}$ per cent. on two million dollars? A. Yes, sir; assuming that. Q. Do you know of any other railroad in the City of New York, or in the United States, that pays any such percentage of its earnings to the Government, in addition to all other taxes? A. I don't know of any; I am not aware that you have got to pay any such sums as you have named. Q. You are not aware of that? A. No, sir. Q. Will you please

look at the obligation we have entered into here, 2702 ~ right here? you appear to doubt my word on that subject.

Mr. Wickes : Well, we will assume that statement to be accurate.

The Witness : Assume that.

Q. Then you have entered into this computation, and came here to oppose the proposal of this rail road without any sort of knowledge of the terms and stipulations which it has entered into with the City, have you? A. I came here to make a statement of the value of this franchise upon the figures I have given. Q. Won't you answer my question? have you come here to oppose the railroad of the Broadway Surface Company—its proposed railroad —without any sort of knowledge, and without informing yourself in any manner of the terms and conditions upon which the consent of the Common Counsel has been granted to the company? 2703

Mr. Wickes : I object.

A. I am here under a subpoena, neither to oppose nor defend any railroad. Q. This is the second time you have appeared? A. Yes, this is the second time I have appeared in this matter.

Q. My question is whether you have taken the position you have taken, and come here as a witness in opposition to the proposed railroad of the Broadway Surface Railroad Company, without taking any pains to ascertain or inform yourself concerning the terms or conditions upon which the consent of the City has been granted for the construction of this railroad? A. I came here to make a statement of the value of this franchise upon a supposition that the road would cost so much that the operation of the road the operating expenses would be so much, and that its passenger traffic would be so much; and then to tell you what the value of that franchise was. Q. That is not an answer to my question; now, you are a lawyer; won't you please to pay some little attention to the question which I put to you, and say whether you have come here in the capacity of a witness, or otherwise, in opposition to the Broadway Surface Railroad Company, without taking any sort of pains to inform yourself respecting the terms and conditions upon which the 2704

2705 consent of the Common Council has been granted for the construction and operation of this road ?

Mr. Wickes : I object.

A. I have taken just so much pains as I have stated to you ; nothing more. Q. Have you read the resolution of the Common Council giving to this road this right to run ? A. Well, I think I have, but I cannot remember it now. Q. That didn't make any impression on your mind, so that you don't remember its terms at all ? Is that so ? A. I don't remember its details, no ; I only have a general recollection that they are to pay three per cent. for the first five years upon their gross earnings. Q. You, as a lawyer, knew that was in the law—that we couldn't get it any other way—and independently of any provision of the Common Council we have got to pay that ? A. Yes, that I have read, but that you were to pay \$40,000 a year in addition, is not in my mind now. Q. It impresses you now as an important circumstance, does it not ? A. It enters right into my computation here, and would be deducted ; that is all. Q. You say you have never had any sort of connection with a street railroad ? A. What do you mean by connection ? Q. I suppose you have ridden in a horse-car ; but independent of being a passenger on a horse-car, on some occasions, have you ever had any connection with a horse railroad ? Have you ever been a stockholder or director or officer of a horse railroad. A. I have never been an officer of a horse railroad ; I have been in professional relations to horse railroads. Q. You mean you sued them, isn't that it ? A. Yes, sir. Q. Have you ever had any other connection with them except to sue them ? A. No, sir ; well, perhaps I ought not to have answered that question that way ; I have advocated the building of a horse railroad up the Boulevard, up to the Harlem River, and I am in favor of it, and have advocated it very strongly. Q. That is the Boulevard route, isn't it—Conover's route ? A. Yes, sir. Q. And that is because you live up in that neighborhood and have got some lots to sell ? Isn't that so ? A. Well, that is not the reason exactly. Q. You have lots up in that neighborhood, and want to sell them ? A. I have lots up there, and I live there.

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Q. And you want to sell your lots ? A. I don't

know that I do want to sell them just yet. Q. You 2708
 advocated it because you thought it would increase
 the price of your lots? A. I thought it would be a
 great benefit to the up-town districts of New York.
 Q. Have you any doubt that a railroad on Broad-
 way would be a benefit to New York? A. I don't
 think it would be of much significance to the up-
 town districts of New York. Q. The down-town
 districts? A. Yes, it would be to the down-town
 districts? Q. Then you are prepared to concede
 that this railroad, whatever the terms or condition
 may be that are imposed upon it, would be a good
 thing? A. No, I think it would be a bad thing in
 reference to its relative effects. Q. Have you ex-
 pressed the opinion before these Commissioners in
 any of these proceedings that the value of this fran- 2709
 chise was only a million of dollars? A. No; I said
 that I understood that Mr. Stewart had offered a
 million of dollars for it some years ago. Q. Did
 you ever know of any *bona-fide* offer of more than
 a million of dollars being made for this franchise by
 anybody? A. I don't know that I ever did. Q.
 Do you know how many stages are now running on
 Broadway? A. I think there are seventy-five. Q.
 Seventy-five stages? A. Yes, sir. Q. Is that in-
 formation as accurate as the rest of your statements?
 A. I won't profess to say; we have got all that in-
 formation at our office. Q. Do you profess that
 any of the calculations or estimates that you have
 given to the Commissioners here have got any sort 2710
 of accuracy at all? A. I do claim that they are
 perfectly accurate. Q. Are they all just as accurate
 as the information you have given respecting the
 number of stages running on Broadway? is that on
 a piece with all the rest? A. No, there is no piece
 about it; we have collected the information of the
 number of stages—— Q. When you say "we,"
 whom do you mean? A. At the office where I am
 located. Q. What is that? I don't know anything
 about that; when you say "we," I want to know
 who is the other member of the firm? A. Well,
 "we" is not two. Q. Who is "we"? A. At the of-
 fice of the Broadway Arcade Railroad. Q. Oh, now
 we have got at it; you are a representative then of
 the Broadway Arcade Railroad? A. Well, I am in
 their office. Q. And that constitutes the little

- 2711 animus that brings you here? A. I am not representing them here. Q. You are a representative of the Arcade Railroad? A. Well, not here. Q. You mean this three-piered thing? A. No, sir. Q. What is the Arcade Railroad? A. It seems to me you are not very well posted. Q. I want you to post me. A. That is the under-ground railroad on Broadway—contemplated under Broadway. Q. And that is what is the matter with you? A. I stated about that in my former examination. Q. Won't you please tell me whether you gentlemen that you call "we," representing the Arcade Railroad, propose to pay \$40,000 a year to the City? does your concern which you represent and which you call "we" propose to pay \$40,000 a year to the City? A. I beg your pardon, I am not representing any concern here to-day. Q. Does the Arcade Railroad with which you are connected, if it acquires its right to construct and operate a railroad underneath the surface of Broadway propose to pay \$40,000 a year to the City? A. I think not. Q. Does it propose to pay \$5,000,000 to the City? A. I think not. Q. Does it propose to pay \$1,000 to the City? A. I think not. Q. Does it propose to pay any compensation to the City either by way of a gross sum or a percentage on its earnings. A. No, sir, not that I am aware of.

By Mr. Wickes :

- 2713 Q. Suppose it is a fact that this company pays four per cent. on a million dollars, as a charge to the City the first year, and also a percentage of its gross receipts, say five per cent., making in all nine per cent. on a million dollars, how would that affect your estimate? what then would be the value of the franchise? A. I should have to enter into figures then, but it still would be worth about 5,000,000 of dollars.

By Mr. Fuller :

Q. The Arcade Railroad does not propose to run on Broadway, does it? A. It does not. Q. Mr. Church, do you think that any road should be built on Broadway, of any kind—a horse railroad or cable road—without carrying passengers from the Battery to Harlem River, with transfer tickets, no matter

what they pay? A. I stated before, and I state 2/14 here again, that I think the using of Broadway for any purpose which did not provide for transit from the Battery to the Harlem River, at all hours of the day and night, at a fare of five cents, would be a misappli-ance and misappropriation of Broadway, and would amount to a public calamity; that Broadway belonged to the people of the whole city, and that a railroad that would carry people at all hours of the night and day from the Battery to the Harlem River ought to be allowed to build its road without paying anything to the City Treasury, for the city would get its compensation in the enormous increase in the value of property everywhere. Q. Then you would be willing that any company doing that should have the franchise without paying a single 2715 dollar? A. Yes; and I do not care which road does it. Q. Would you be willing that the Jacob Sharpe crowd should do it? A. Certainly.

By Mr. Beaman:

Q. You have spoken about stages on Broadway; I suppose you mean the number of stages that are at any one time between Fourteenth Street and the Battery? A. I spoke of the stages belonging to the three lines that are operating on Broadway—seventy-five stages. Q. It is your idea, then, that there are only seventy-five stages running? A. Yes, sir. Q. From what reports have you made this table that you have here produced? A. Well, this paper I am reading from about the stages is only made up by a 2716 person sent out who made that inquiry and who got that information; I beg your pardon; there are seventy-five stages belonging to each of the three lines, making two hundred and twenty-five stages in the aggregate. Q. Then you wish to correct your testimony in that respect? A. Yes, in that respect; seventy-five stages to each line, making two hundred and twenty-five in all. Q. These figures that you have given about the number of passengers carried by the different lines, from what sources have they been obtained? A. Those have been obtained from the reports made to the State Engineer. Q. I notice that by your report here, or table, the three omnibus lines carried eighteen million and sixty-seven thousand five hundred passen-

2717 gers; from what information did you get that? A. That is the result of this same inquiry—the returns of these three stage lines, running 225 stages, and they average 265 passengers a day, and that amounts to eighteen million passengers a year. Q. Then this estimate of the omnibus lines is obtained from the same official reports, as you understand it? A. No, sir; that is obtained by private investigation. Q. And from the officers of the stage lines? A. Investigation at the offices of the stage companies. Q. Is it your opinion that there will be more passengers carried by horse-cars on Broadway than by the omnibuses? A. I think there will, a great many. Q. Is it your opinion that the travel of passengers going up and down Broadway is increasing, and will increase more and more? A. It will increase largely by the influence of a railroad line. Q. Do you think that the value of this franchise per year will increase or decrease as time goes on? A. It will increase. Q. Is it your opinion that this franchise to run on Broadway would be worth more now than it was ten or twenty years ago? A. It would be worth more than it was ten or twenty years ago, and worth ten years hence more than it is now. Q. Why would it be worth more now than it was twenty years ago? A. Well, more population to be carried.

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Mr. Beaman: As I understand it, it is the ruling of the Commissioners that the testimony which has been introduced by the City, or by any other party—that each of the parties in opposition to this road has a right to use that testimony for any purposes for his own argument, and is not bound in any way to reduplicate it.

2719

Commissioner Harris: Yes, sir.

By Mr. Scribner:

Q. In this statement that you have produced, which has been marked "Exhibit 1," I find a list of passengers alleged to have been carried by various street railroads in the City of New York during the year 1884; at the head of the list is the Broadway and Seventh Avenue Railroad, which is alleged to have carried 17,771,110 passengers; are you aware that these passengers were carried on the various roads operated by the Broadway and Seventh Ave-

nue railroad, and were not confined to any one particular route? A. I think they were carried on all the roads operated by that company and reported to the State Engineer. 2720

Q. Are you aware that the routes of railroad upon which these seventeen million passengers were carried comprise as much as twelve miles of track? A. Well, off-hand, I should think so. Q. About twelve miles? A. Yes, sir. Q. Without referring to the other railroads? A. No, I cannot say that; they run up to Fifty-ninth Street; no, I do not think it is twelve miles. Q. Let us see; to carry those seventeen millions of passengers they were required to operate a railroad running from Fifty-ninth Street through the Seventh Avenue down Greenwich Avenue, on one that route which is known as the Seventh Avenue route? A. Yes, sir. Q. And likewise the Broadway cars running from Fifty-ninth Street down Seventh Avenue to Forty-third Street, and from Forty-third Street down to Broadway at Fourteenth Street, and through University Place? A. Yes, sir. Q. Known as the Barclay Street route? Yes, sir. Q. And likewise the Broome Street route, running from Fifty-ninth Street down the same course as the Barclay Street route as far as Broome Street; those three lines of cars carried these seventeen millions of passengers? A. Yes; but the Broome Street route runs on the same line. Q. But there are three separate lines operated by this company, all of which happen only to have carried seventeen million of passengers and upwards? A. That is all they carried. Q. All they carried on these three separate lines; and you know that they do operate the three lines that I have referred to? A. I don't call the Broome Street line a line; I call it a branch. Q. We call it a separate line; but you know that that is all that those three lines carried? A. If you call it a separate line—I do not. Q. Suppose you call it a separate line; you acknowledge that these three lines—that it took all those three lines to carry seventeen millions of passengers? A. Yes, sir; all the railroad they operated. Q. Yes; on a dozen miles of track? A. Yes. Q. Do you know of any other railroad included in this list that is so short or operates so little railroad as will this road between the Battery and Fourteenth Street; look in your 2721 2722

2723 list now and see if you can see one in there that has so short a route? A. Oh, yes; this little road here running down to the South Ferry. Q. That only carried 546,000 passengers, didn't it? A. Yes, sir. Q. It carried a little more than half a million? A. Yes; that I don't call much of a railroad; but you asked me if I knew one so short or shorter, and I say yes, that is shorter. Q. And the Twenty-third Street only got ten millions from its cross-town line and the Bleeker Street line combined, isn't that so? A. That seems to be so. Q. You have put down in your schedule here the three omnibus lines as carrying eighteen millions of passengers? A. Yes, sir; I have, sir. Q. You are perfectly conscious of the fact that those omnibus lines derived those passengers from a much longer route than this road will be, are you not? A. Yes; three different lines. Q. And that only a portion of those receipts were derived from so much of those omnibus lines as lie south of Fourteenth Street? A. Yes; but they are eminently Broadway lines. Q. They not only run on Broadway, but to get these eighteen millions of passengers the Fifth Avenue line had to run up Fifth Avenue to the Windsor Hotel? A. Yes, sir. Q. And the Madison Avenue line had to run all the way up Madison Avenue to Forty-second Street? A. Yes, sir. Q. And the Twenty-third Street line had to run through Twenty-third Street and up Ninth Avenue to get these passengers? A. Yes, sir. 2724 Q. Broadway south of Fourteenth Street only comprises about one-half the route of either of those stage line, does it not? A. Well, I do not think so; I think it is more than that. Q. Have you read the proceedings of the Common Council on the application of this road for the consent of the Common Council? A. I do not know that I have. Q. Did you read the testimony of Mr. Wilkins, one of those stage proprietors? A. I have not. Q. Have you been informed that he did testify before the Board of Aldermen that they only got about half of their passengers on Broadway—of the passengers that they carried? A. I have not been informed so, and I did not know that he testified so. 2725

Q. If you were informed by some reliable person in whom you had confidence that the receipts of the stage lines were only about half acquired on Broad-

way, would that affect your idea of the value of this franchise? A. Well, not very greatly. Q. If they only took half the passengers on Broadway, the franchise wouldn't be worth more than half as much, would it? A. I don't think the omnibus lines all combined would ride as many passengers as properly constructed horse-cars. Q. That is all guess work, too, isn't it? A. Yes, sir. Q. All in the future? A. Yes, sir. Q. You have no accurate data that would enable you to state that? A. No, sir; I have no accurate data of anything in the future. Q. You have testified about Broadway, that the value of a franchise on Broadway is worth now more than it was ten or twenty years ago? A. Yes, sir; that is so. Q. Just let me show you how little bottom there is to that; don't you know, Mr. Church, that twenty years ago the people traveling on Broadway, between Wall Street and Fourteenth Street, were five to one that there are now? A. Well, perhaps I did not give proper allowance for that. Q. Don't you know that the construction of the elevated roads has tended largely to divert passenger traffic from Broadway to other sections of the city? A. Yes, it has done so. Q. It has done so? A. Yes. Q. That is an element that ought to be taken into calculation and which you by inadvertance have omitted? A. Yes; I think I did not give proper allowance for that. Q. Isn't it a fact within your personal knowledge, Mr. Church, that the passenger traffic on Broadway has largely diminished since the construction of the elevated roads? A. Well, I am not in a position to judge of that; I only take the omnibus lines with their traffic of last year as a basis upon which I estimate what number of passengers a horse-car line would carry. Q. On the basis of the omnibus lines? A. Yes, sir. Q. You inadvertantly took in all their receipts derived from their entire routes without regard to the number of passengers they took in on Broadway? A. I took the number of people they ride on the three lines of omnibuses. Q. All together? A. Yes, sir; all together. Q. And that is where you made your mistake? A. Well, it is possible. Q. Is it your idea that a line of horse-cars on Broadway would carry as many passengers between the Battery and Fourteenth Street as all these three lines of omnibuses carry now? A. I think they would carry

2729 a great many more. Q. How many more? A. My judgment about it is they would carry twenty per cent. more. Q. That is about it, eh? A. Yes, sir; perhaps fifty per cent. more. Q. Then, if it should be proved that the combined earnings—A. Let me correct that statement; I think they would carry 100 per cent. more. Q. That would be just twice as much? A. Yes, sir; just twice as much. Q. Then, if it should be proved that the gross earnings—the combined earnings of all the stages on Broadway last year were only a thousand dollars a day, you would have to reduce your estimate of the value of the franchise on Broadway very much, wouldn't you? A. Well, I might, after I had seen the proof; I should want to see the proof first. Q. Wait a moment. A. Well, you need not argue that with me.

2730 Q. I am not going to do so; I am only going to read you some testimony here—the testimony of Mr. Wilkins. Suppose it should be proven, Mr. Church, that only one-half of the earnings of the stages were derived from that part of their route which is on Broadway south of Fourteenth Street—A. Which line is that you are speaking of? Q. All of them; suppose it was proved that half the earnings, that is to say half of the gross receipts of the three stage lines combined derived from passengers riding on Broadway south of Fourteenth Street was only \$900 per day, and assuming your opinion to be correct that the horse-cars would earn double that amount, would that alter the estimate you have given of the value of the franchise? A. When I say that the horse-cars would earn double that amount, that is a rough guess; I have no means of forming a definite opinion. Q. You started with twenty per cent. more? A. Yes, sir; I formed my opinion of the travel from my own experience; I do not ride in an omnibus once in two months; I would ride in horse-cars if they were run on Broadway, at least once a week—yes, oftener than that; I don't think I ride once in three months in an omnibus; if other people will conduct their travel as I do mine, then 100 per cent. increase in the horse-car travel over the omnibus lines would be far below the figure—much below; I am unwilling to make any estimate of the relative amount of traffic as between a horse-car line and the omnibuses, because

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it would depend upon their connections; it would 2732
 depend upon the connections made by the lower
 route with the upper routes for fares; if there was a
 combination of roads by which one fare was exacted
 only, for going up to Fifty-ninth Street, then the
 traffic would be very largely increased; if, however,
 a man had to pay two fares, it would be very
 largely diminished. Q. Would you, as an intelli-
 gent man, say that you, with the inaccurate data
 from which you reason, were as competent to form
 an opinion respecting the value of the franchise on
 Broadway as the gentlemen who have been running
 the stages on Broadway south of Fourteenth Street
 for the last twenty years, would you put more con-
 fidence in your own opinion than in theirs? A.
 Well, I put some confidence in my own opinion, and 2733
 I don't undertake to estimate theirs. Q. Are you
 conceited enough to believe that your opinion on
 that subject, without any experience, would be
 equal to that of others with experience of twenty
 years? A. I don't estimate the amount of my con-
 ceit; I place a good deal of confidence in the esti-
 mate I have given, and I don't estimate theirs.

Recess taken.

TERENCE G. O'BRIEN, called as a witness on be-
 half of the City, being duly sworn, testifies as fol-
 lows:

By Mr. Wickes:

2734

Q. Mr. O'Brien, you are an Examiner attached to
 the Law Department in this city, are you not? A.
 Yes, sir. Q. Before coming to your testimony in
 the main, I want to ask you one or two questions,
 to supply gaps in the testimony, as I conceive it;
 can you tell me the date when the Third Avenue
 Elevated road began to operate? A. I should say
 in 1877, because they made a report in 1878. Q.
 And when did the Sixth Avenue or Gilbert road
 begin? A. Their charter is dated the 29th of De-
 cember, 1875; I think it ran as far as Thirtieth
 Street and Ninth Avenue in 1877, and up as far as
 the Harlem River and One Hundred and Fifty-fifth
 Street in about 1879 or 1880. Q. That is, the two
 principal elevated roads began to operate between

- 2735 1877 and 1880? A. Yes, sir. Q. Do you know and can you state the length of the Third Avenue surface road? A. The Third Avenue, from Ann Street to the Harlem River, is $10\frac{1}{2}$ miles, and from One Hundred and Twenty-fifth Street, North River, to One Hundred and Twenty-fifth Street, East River—that is included in the $10\frac{1}{2}$ miles. Q. The cross-town line? A. Yes, sir; that is a branch there. Q. $10\frac{1}{2}$ miles, including that cross-town line which runs from river to river through One Hundred and Twenty-fifth Street? A. Yes, sir. Q. What is the length of the Fourth Avenue line? A. From City Hall to Madison Avenue and Eighty-sixth Street, $5\frac{1}{2}$ miles. Q. Of the Sixth Avenue Railroad? A. The Sixth Avenue Railroad, from Fifty-ninth Street to Vesey Street, 4 miles. Q. The Broadway and 2736 Seventh Avenue? A. The Broadway and Seventh Avenue, from Fifty-ninth Street to Broadway and Barclay Street, 8 miles. Q. Have you recently, at my request, provided from official figures contained in the reports made by those various railroads to the Secretary of State and to the Railroad Commissioners, tables showing the passenger earnings, the gross earnings, dividends paid and surplus earnings, if any, of the fourteen or sixteen roads? A. Yes, sir. Q. Look at the tables which I now show you, and state whether they have been prepared by you from these official sources, and mention them, if you will, in the order I have given—first the passenger earnings? A. Yes, sir. Q. Did you prepare them yourself? A. Yes, sir. Q. From these official sources? A. Yes, sir. Q. And do they correctly transcribe 2737 the figures which appear in those reports? A. They do, sir. Q. For the past fifteen years? A. Yes, sir; for the past fifteen years.

Mr. Wickes: I should like to offer those papers in evidence, if the Commissioners please, marking the table of passenger earnings Exhibit 2, that of gross earnings Exhibit 3, that of dividends paid Exhibit 4 and that of surplus receipts Exhibit 5.

Marked accordingly.

Q. The tables consist entirely of the titles of the various railroads, and parallel lines representing the various years and figures? A. Yes, sir. Q. I wish you would in some way mark or identify the tables to show what each one purports to represent; mark the first one if you will, passenger receipts? A. Yes, sir. Q. And the next one gross receipts? A.

Yes, sir. Q. And the third, dividends paid? A. 2738
 Yes, sir. Q. And the fourth, surplus earnings? A.
 Yes, sir. Q. As to the surplus earnings, state, Mr.
 O'Brien, in a little detail, if you will, how that was
 made up and of what these various surplus earnings
 consist? A. The surplus earnings consist of the
 amount remaining—the cash remaining on hand
 after deducting the operating expenses, fixed charges
 and dividends—the balance is the surplus remaining
 on hand. Q. In some instances I understand that
 that balance had been invested in United States
 bonds? A. Yes, sir. Q. And in other instances in
 real estate? A. Yes, sir. Q. And in another in-
 stance it was reported as cash surplus in bank? A.
 Yes, sir. Q. Just treated it as cash? A. Yes, sir;
 on hand. Q. Those appear in the report as cash?
 A. Yes, sir. Q. As cash remaining after paying all 2739
 fixed charges, dividends and operating expenses? A.
 Yes, sir. Q. The figures for 1884, where did you
 obtain them? A. From the office of the Railroad
 Commissioners at Albany. Q. And did you com-
 pile them from manuscript sources—returns from
 the various companies? A. Yes, sir. Q. Which
 had not yet been printed, I understand? A. Yes,
 sir. Q. You went to Albany to make the figures
 complete down to and including 1884, did you? A.
 I did, sir.

Cross-examination by Mr. Scribner :

Q. Mr. O'Brien, do you know how long the Ninth
 Avenue Railroad has been in operation in the City
 of New York? A. The Ninth Avenue Railroad? 2740
 Q. Yes, sir. A. I think since 1862 or 1863, proba-
 bly a little later. Q. Don't you mean 1854? A. It
 might probably be that long. Q. And how long
 have you resided in New York? A. I have resided
 in New York since 1845; since I was born. Q.
 Don't you know that the Ninth Avenue Railroad
 Company has been running in the City of New York
 since the year 1854 and has not yet paid its stock-
 holders a dividend to the value of a penny? A. I
 believe that report says they haven't paid a dividend.
 Q. In regard to the Third Avenue, have you made
 out any table or been asked to make out any tables
 showing how much the construction and operation
 of that road has added to the increased value of the
 taxable property along its route? A. I haven't, sir.
 Q. You know the fact that it has added largely to

2741 the taxable value of the property of the City of New York? A. I believe so; I could not answer that. Q. Do you happen to remember from these tables how long the Central Park, North and East River Railroad was running before it was able to earn or pay its stockholders a dollar in dividends? A. No, sir; the table will show. Q. Will you please look at the table and tell me how long the Belt Line was running before it earned or paid its stockholders a single dollar.

Mr. Wickes: It may appear there; these tables only go back fifteen years.

A. The first dividend that was paid by the Central Park, North and East River road was paid in 1876. Q. In 1876. A. Yes, sir. Q. Don't you know that that road commenced running at least ten years before that? A. I know it was running in 1860. Q. You know it was running in 1860? A. I do, sir—at least, in 1870. Q. Yes, in 1870; your tables show that it was running in 1870, don't they? A. Yes, sir. Q. Don't you know that it was running in 1865, five years before 1870? A. I am not positive of that; I took no interest in that at all; they might have been running. Q. As an old resident of New York, don't you know that the Belt road has been running for twenty years? A. No, sir. Q. Not familiar enough with the streets of New York or the railroads to know that? A. No, sir. Q. Suppose you were told that it commenced running in about the year 1863 or 1864, have you made inquiry or have you ascertained from the published reports whether during those years it paid any dividend at all? A. I made no reports as to the dividends or gross earnings of the railroads any further back than 1870.

2743 Q. Were you instructed, and have you carefully abstained from the examination of the reports so as to exclude the years in which these railroads did not pay any dividends that are included in the reports? A. No, sir; I was not instructed nor did I abstain from it. Q. Do you know as a matter of fact whether the Belt road from 1864 to 1870, that is during those six years of its existence, paid any dividends to its stockholders? A. I could not answer that question. Q. Your report does show that it paid no dividends until in or about the year 1876, does it? A. Yes, sir. Q. So that by your reports, excluding the previous years, it does appear, does it, that that road was run and operated without the

earning of a solitary dollar for its stockholders for six years? A. Yes, sir. Q. When was the first year in which the Second Avenue Railroad Company paid a dividend, according to your tables? A. The Second Avenue Railroad paid a dividend in 1870. Q. In 1870? A. Yes, sir. Q. That is the first year? A. Yes, sir. Q. Did you examine the reports back of 1870 to ascertain when the Second Avenue Railroad Company commenced running and when it commenced to pay dividends? A. No, sir; I did not. Q. Have you any knowledge or information upon that subject derived from any source as to when it was when the Second Avenue road was able to earn any dividends for its stockholders? A. The first report that I have of any dividends being declared was in 1870; I have not got the reports any further back than 1870. Q. Did you examine back of the year 1870 at all? A. I did in relation to passenger earnings. Q. Back of 1870? A. Yes, sir; back to 1857. Q. Won't you tell us why it is that you take the passenger earnings from 1857 and only give us dividends on any of the roads since 1870? A. I did not take the passenger earnings in this case at all; it was in the matter of the Madison Avenue line extension that I took the passenger earnings of the various railroads from the date of their start, in 1857, I think. Q. Do you think it is a fair thing to make up a set of tables without going back to the commencement to show how long a time the promoters of these various enterprises were obliged to go without dividends or net earnings? A. Mr. Scribner, I did just exactly what I was told to do. Q. I simply ask you if you regard that as a fair thing to take the earnings of these railroads only in the years in which they were able to pay dividends, and to exclude from your consideration entirely the previous years? A. I cannot answer that question. Q. You cannot answer that question? A. No, sir. Q. Are you able to say from your tables, or otherwise, how many years the Bleecker Street and Fulton Ferry Railroad was run and operated at the expense of its stockholders, for public accommodation, and without the payment of a single dollar by way of dividends to its stockholders? A. The Bleecker Street and Fulton Ferry Railroad is not included in this report. Q. Won't you please tell the Commissioners for what reason the Bleecker Street and Fulton Ferry Railroad is excluded from the

2747 table that you have prepared—the compilation that you have made? A. I was given a list, and I took the railroads off of that list. Q. Off of that list? A. Yes, sir, and told to leave out the New York Elevated. Q. By whom was that list given to you? A. By Mr. Wickes. Q. By Mr. Wickes? A. Yes, sir. Q. Were you instructed to disregard those roads that had been run for public accommodation and at the expense of their stockholders without being able to earn any dividends? A. No, sir; I was not. Q. Had you any other reason than the fact that it was not contained in that list for omitting the Bleeker Street and Fulton Ferry Railroad in the tables which you prepared—the compilation that you have made? A. No, sir; I did make a list with the Bleeker Street Railroad on, with passenger earnings, the gross receipts, from 1870 to the time of its discontinuance. Q. And did you carefully exclude and omit to make any compilation showing that it had, during the entire period of its existence, been run wholly at the expense of its stockholders, for public accommodation, and without earning any dividends? A. No, sir; I did not.

Q. You did not make any table that contained anything on that subject respecting the Bleeker Street road? A. I believe a table which Mr. Wickes has in his hands contains that. Q. There are a great many figures on there; won't you please look at that, and tell me when the Bleeker Street and Fulton Ferry Railroad commenced operations and how long it ran, and whether it ever, to your knowledge, paid any dividends to its stockholders? Don't your table which you hold in your hands, Mr. O'Brien, show the passenger receipts of the Bleeker Street road, down to a period subsequent to the year 1870? A. No, sir. Q. Does it show anything before 1870? A. No, sir; it commences in 1870 and runs as far as 1877. Q. Then it does show passenger earnings subsequent to the year 1870? A. Yes, sir. Q. Then your former answer to my question was a mistake? A. I thought you said prior to 1870. Q. I said subsequent. A. I misunderstood you then. Q. Won't you tell me whether, from the table that you have in your hands, or from any other source of information that you have, whether the Bleeker Street Railroad during the period which is comprised in the compi-

lation that you have made, ever earned or paid to its 2750
 stockholders a solitary dollar in dividends? A. It
 did not, sir. Q. And that probably is the reason
 that Mr. Wickes did not put that table in evidence?
 A. No, sir; when I gave this table to Mr. Wickes,
 he hadn't time to look at it when he—— Q. Have
 you got any statement showing the receipts of the
 stages on Broadway, running in Broadway, since
 the year 1870? A. No, sir; I have not. Q. The
 tables that you have, show the gross earnings of the
 Third Avenue Railroad, from 10½ miles of track,
 do they? A. Yes, sir. Q. You know that the
 Third Avenue Railroad for the entire distance of
 that 10½ miles, excluding the One Hundred and
 Twenty-fifth Street branch, runs through the most
 thickly settled portion of the city, don't you? A. 2751
 I believe it does. Q. Takes in the Bowery? A.
 Yes, sir. Q. Where there is a great deal of travel
 and a great deal of passenger traffic? A. Yes, sir.
 Q. The Broadway and Seventh Avenue Railroad,
 that you have stated is eight miles in length, is that
 eight miles of double track according to your com-
 pilation? A. Eight miles of double track. Q.
 Does that comprise both the Seventh Avenue route,
 and what is known as the Broadway and University
 Place line? A. Includes both lines, I believe. Q.
 How do you get at the measure of that road as only
 eight miles? A. I took it right from the reports.
 Q. You got that from the State Engineer's report?
 A. Yes, sir. Q. That road runs through a thinner set-
 tled portion of the city, does it not? A. It does, 2752
 sir. Q. Won't you tell us what were the gross re-
 cepts of the Broadway and Seventh Avenue road
 for the year 1884? A. \$921,548.07. Q. That is a
 less amount than had been received by the road in
 previous years, is it not? A. Yes, five years pre-
 ceding that beat it. Q. How is that? A. Five
 years preceding that—1874, 1875, 1876, 1877 and
 1878—the gross receipts were larger than they were
 in 1884. Q. The diminution of the receipts of that
 road commenced with about the commencement of
 the operation of the elevated roads, according to
 your testimony, did it not? A. It commenced in
 1879, sir? Q. In 1879, the receipts commenced to
 diminish? A. Yes, sir. Q. They are less now than
 they were in 1874 and 1875? A. Yes, sir. Q. When
 was it that you say the Gilbert Elevated or the
 Sixth Avenue Elevated branch commenced to run?

2753 A. The Sixth Avenue Elevated, the charter was December 29, 1875, and I think in 1877 or 1878 they were running as far as Eightieth Street and Ninth Avenue. Q. The Sixth Avenue branch I am speaking of; when did it commence full operation between Central Park and Rector Street, do you know? A. No, sir; I have no recollection. Q. Your tables show, don't they, that from about the time of the commencement of the elevated roads there was a very serious diminution in the receipts of the Brogdway and Seventh Avenue road? A. Yes, sir. Q. And your tables show likewise that from the eight miles of track run by the Broadway and Seventh Avenue Railroad Company on all its various railroad routes, it took in in the year 1884

2754 only about \$900,000 of gross receipts? A. The Broadway and Seventh Avenue? Q. Yes, sir. A. \$921,000.

Q. What were the gross receipts of that road in the year 1883? A. \$883,614.14. Q. Less than \$900,000? A. Yes, sir. Q. What were the receipts of that road in 1882? A. \$880,564.70. Q. Still less than \$900,000? A. Yes, sir. Q. In 1881, what were they? A. \$846,960.42. Q. Have you gone back five years now? A. No, sir; 1880 is the fifth year. Q. Just take a little piece of paper, and for my information, won't you please give me the average gross receipts of the Broadway and Seventh Avenue road during the five years last past; just add up those five years and then divide by five? A.

2755 \$877,580.46. Q. That is the average for five years, is it? A. Yes, sir. Q. What is the lowest amount that they have taken in the last ten years? A. In the last ten years? Q. Yes, sir; the smallest amount of gross receipts? A. \$784,807.57. Q. What year was that? A. 1879. Q. Another question; what have been the average dividends of the Broadway and Seventh Avenue Railroads? A. The first year, I think, it was six per cent.; the capital stock is \$1,200,000— Q. What is their average dividend? Give us the highest and the lowest? A. The lowest is six per cent. and the highest is nine and a half per cent. Q. And their receipts have been less than a million dollars every year? A. No, sir. Q. In every year of the last five? A. Yes, sir. Q. Less than a million dollars? A. Yes, sir. Q. And in the palmiest days of that road, before the elevated railroad robbed it of its passengers, what

was the highest amount it ever took in in one year? 2756

A. \$1,014,874.32. Q. And that derived from the three several routes of railroad that it operates over eight miles of double track of railroad?

A. Yes, sir; Broadway and Seventh Avenue, Broadway and Broome Street, and Broadway and Barclay Street.

Q. Those are the various lines of railroad it operated, covering about eight miles of double track, and never took in in the palmiest days of the road more than a million dollars, or about that?

A. So this report shows. Q. Neither that road nor any other road pays to the city any such compensation by way of rental or by way of percentage on gross receipts, as is required by the resolution of the Common Council to be paid by this road?

A. I don't know anything about that at all, Mr. Scribner. Q. Suppose 2757

that the Broadway and Seventh Ave. R. R. had in its most prosperous days been compelled to pay to the city five per cent. of its gross receipts, and \$40,000 in addition, won't you please tell what would have become of the dividends in any one year; they could all have been put in the eye of any one stockholder, couldn't they?

A. I will tell you that in half a minute, Mr. Scribner; in 1876 they could have declared a dividend of \$36,000. Q. In what year?

A. 1876. Q. They could have declared a dividend of \$36,000?

A. Yes, sir. Q. Besides paying \$90,000 to the city?

A. Yes, sir; five per cent. on the gross receipts and \$40,000 besides; they still would have had a balance of \$36,000. Q. What per cent. would that have been on the capital of the 2758

road? A. A little over one and a half. Q. One and a half per cent. the stockholders would have had?

A. Yes, sir. Q. And that is the most prosperous year the company had?

A. Yes, sir. Q. Take the year when they paid only six per cent. dividends and tell me if they had had in that year \$90,000 to pay to the city, in addition to the taxes which they did pay, what dividend the stockholders would have been able to receive?

A. \$36,000; that is just the year I took. Q. The six per cent. year?

A. Yes, sir. Q. What year was that?

A. 1876; that is when the gross receipts were \$1,014,000. Q. Take the year 1884, and say if in that year they had been compelled to pay to the city \$90,000, how much money they would have had left to pay to their stockholders?

A. \$81,922.60. Q. How much per cent. would that have been on the capital?

A. It would have

2759 been about seven per cent. Q. Isn't there a mistake about that there? A. No, sir; the gross receipts were \$921,548.07; five per cent. on that is \$46,077.40. Q. Nine per cent. on that? A. Well, I am adding the \$40,000 afterwards; five per cent. is \$46,077.40, and \$40,000 added to that is \$86,077.40; they paid a dividend of eight per cent. that year, which is \$168,000; \$86,077.40 from \$168,000 leaves \$81,922.60. Q. Take the year 1879, and say in that year if they had been required to pay \$90,000 to the city, how much they would have had to divide in dividends. A. 1879?

Commissioner Harris: Dividend is how much?

The Witness: \$168,000.

Commissioner Harris: That must be on \$2,100,000, and not on \$1,200,000?

2760 *The Witness:* On \$2,100,000.

Commissioner Harris: You said before that the capital was \$1,200,000, and your dividends would not agree with your capital?

The Witness: Yes, \$2,100,000.

Q. Take the year 1879, and tell me if in that year the company had been required to pay \$90,000 to the city what amount of money the stockholders would have received, and what would have been the rate per cent. of dividends? A. In 1879 they paid five per cent.; they paid \$99,259.85 as a dividend—a little less than five per cent. on their capital stock. Q. Less than five and a half per cent. on their capital stock? A. Yes, sir.

2761 *Commissioner Harris:* You stated that they would have had seven per cent. for 1884, after taking out the \$90,000?

The Witness: Yes, sir.

Commissioner Harris: It would have been between three and four per cent., wouldn't it? A. Yes, sir.

Commissioner Harris: You made a mistake in your previous statement, also?

The Witness: Yes, sir.

Commissioner Harris: The error arising from the fact that you figured on a capital of \$1,200,000 instead of \$2,100,000?

The Witness: Yes, sir.

Q. Mr. O'Brien, you have lived most of your life in New York, have you? A. Yes, sir; I was born in New York. Q. You know that Broadway south of Fourteenth Street, after seven o'clock at night, is

substantially deserted, don't you? A. Some seasons 2762
of the year. Q. All seasons of the year, is it not?
A. No, sir. Q. Very few people on Broadway
south of Fourteenth Street after eight o'clock
at night? A. No, sir. Q. When do you say that
there are many? A. In the Spring and Fall of
the year. Q. Don't you know that the Broad-
way and Seventh Avenue Railroad Company,
since the inauguration of the elevated rail-
road system, has derived pretty much all its pat-
ronage from lady shoppers in the daytime and
theatre-goers in the night-time? A. I couldn't an-
swer that as a general question. Q. I only ask you
as a matter of observation; haven't you observed
that those cars run full at night and are full with
ladies during the shopping hours, and at other hours 2763
the elevated railroads have taken their passengers?
A. I have ridden in the Broadway cars within the
last four months between one and two o'clock
in the morning when the car was crowded. Q.
Between what hours? A. Between one and
two o'clock in the morning. Q. That was when
people were returning from the opera? A. I
don't know as operas stay in that late. Q. What
were you doing out at that hour of the night? A. I
was serving subpoenas. Q. Serving subpoenas on
people in bed? A. Yes, sir; serving subpoenas on
people in bed. Q. You do say that, according to
your own experience, the cars of the Broadway and
Seventh Avenue road at night are crowded now? A.
Not as a general thing; I can't answer that question 2764
that way. Q. You know that they are crowded that
way sometimes? A. Yes, sir. Q. You know that
a railroad on Broadway south of Fourteenth Street
wouldn't get any such lady shopper passengers,
don't you? A. Well, I got in the Broadway cars at
the corner of Bleecker and Greene or Wooster, I
don't know which; I was serving subpoenas in
Wooster Street, and the cars were crowded then;
that was between one and two o'clock; that was the
only time I have ever—Q. The only time you
ever were in them? A. No, sir; I rode in the Broad-
way cars from 1863 to 1870, daily. Q. You know
that is a railroad that is much patronized by theatre-
goers at night? A. Yes, sir; and by shoppers in
the daytime. Q. That class of patronage you would
not expect to find on the railroad cars in a railroad
operated south of Fourteenth Street, would you?
A. No, sir; not unless the retail dealers came down.

- 2765 Q. The retail dealers are not there to attract the lady shoppers daytimes? A. Very few. Q. And the theatres are not there to attract people there at night? A. Very few of them, sir.

By Mr. Wickes :

- Q. Since the elevated railroads have been robbing these poor surface lines of so many passengers, just state what the earnings of the Sixth Avenue road were in 1884, and how they compare with previous years? A. Passengers, \$863,678.55 for the year 1884. Q. What were the gross receipts of that road for the same year? A. \$1,390,140.86. Q. Were the gross receipts as large for any of the previous years back as far as 1870 on the Sixth Avenue road? A. No, sir.

By Mr. Scribner :

- Q. Tell me what the difference is between their gross receipts and their passenger earnings, and what it is made up of, if you know; was it made up of the sale of land; in the first place what is that difference between gross receipts and passenger receipts? A. \$526,462.31. Q. That is the difference between passenger receipts and gross receipts, isn't it? A. Yes, sir. Q. Tell me what made up that \$526,000, if you can; I would like to know? A. From passengers, \$863,678.55; from United States bonds sold, \$217,625; loans and interest, \$278,074.76; horses sold, \$14,297.34; old wood, \$541.14; manure, \$2,254.61; old cars, \$4,255; sundries, \$9,414.46, making a total of \$526,462.31, which, added to the passenger receipts, makes \$1,390,140.86. Q. Won't you tell me for what earthly reason you included that five hundred and twenty odd thousand dollars of the receipts of the Sixth Avenue road; was it intentionally designed to induce people to believe that the Sixth Avenue road had earned in that year from passengers the amount of money that you have named? A. Well, sir, it could not have earned it from passengers, because the passengers' receipts were but \$863,000. Q. Won't you tell me what business the rest of that had in your compilation? A. I was sent to Albany to get the receipts from passengers, the total receipts, the dividends, and the amount of surplus remaining on hand, and I did it. Q. I want you to take, if you please, the passenger receipts of

that road, and say, if the Sixth Avenue road had in that year been required to pay \$90,000 to the city, what they would have been able to pay to their stockholders? A. They paid two dividends that year; they paid a dividend of \$750,000 in a certificate of indebtedness, and \$750,000 more. Q. Which is \$1,500,000 in one year? A. Yes, sir. Q. Are the rest of your compilations all as accurate as that statement that you have just made? A. On a capital stock of— Q. Just please answer that question; are the rest of your compilations as accurate as the statement that you have just made that the Sixth Avenue Railroad Company paid two dividends of \$750,000 each in one year? A. Just wait until I see. Q. I won't trouble you with figures; but is it not a fact that the Sixth Avenue road does not pay any percentage of its gross receipts to the city? A. I cannot tell you that, Mr. Scribner. Q. You have no knowledge that it does, have you? A. No, sir. The reports don't show that it does, do they? A. No, sir. Q. And is it within your knowledge, or from your tables are you able to say whether the Sixth Avenue road pays to the city anything by way of compensation, either as a gross rent or by way of per centage of gross receipts for the use of the streets? A. I cannot answer that question. Q. Is there any railroad in the City of New York which does pay to the city for the use of streets any such sum or amount as by the ordinance of the Common Council, which we have accepted, is required to be paid by the petitioner in this case? A. I cannot answer this question; I would like to say about the Sixth Avenue paying two dividends, that they paid dividends on stock \$675,000, and that \$600,000 of that amount was an extra dividend declared from proceeds of United States bonds sold, loans called in, &c. Q. Was it paid in scrip? A. It was paid in dollars and cents, sir. Q. How do you know? A. So stated in the reports, and it is under investigation now by the Railroad Commissioners. Q. Is that a scrip dividend that you are talking about? A. No, sir; it is— Q. Or was not that money paid in redemption of scrip previously issued? A. No, sir; it is a dividend on stock \$675,000. Q. Are you willing that the accuracy of your compilations shall be judged by the accuracy of the testimony that you have given that this road paid two dividends in one year of \$750,000 each? A. No, sir; I have changed that; I

2771 said it was \$675,000. Q. Then you have struck off from that testimony about how many hundred thousand dollars? A. \$750,000. Q. More than that; eight hundred and odd thousand dollars, isn't it? A. Oh, yes; I was on the debit side of the account. Q. Yes, you got on the wrong side of the boat? A. Yes.

By Mr. Wickes :

Q. Referring to the passenger earnings simply—to the passenger earnings of the Sixth Avenue road, do you find that the passenger earnings for 1884 have in more than in one instance during the fifteen years, of which your compilation speaks, being exceeded? A. With the exception of the year 1876 2772 they were the largest receipts for the fifteen years. Q. With the exception of 1876 the 1884 receipts of the Sixth Avenue road, from passengers only, were the largest for the last fifteen years? A. Yes, sir.

By Mr. Scribner :

Q. This dividend that you speak of, as you understand it, is the accumulation of surplus for all time since the road was running that was divided in that one year? A. It was the surplus divided of the proceeds of United States bonds sold. Q. Their old surplus, previously invested in United States bonds, was divided up that year? A. I believe so. Q. Suppose the Sixth Avenue road, during the 30 years 2773 that it had been running, had all that time been paying to the city \$90,000, what would have become of such a dividend as that? It would have been nowhere, wouldn't it? A. I couldn't say, sir.

Mr. Wickes : That closes our testimony, except that we may want to ask Mr. Sharp a few questions.

(The testimony heretofore given by Mr. Jacob Sharp in this matter was here read over in the presence of all the Commissioners, and Mr. Sharp swore that the testimony so read over was true.)

JACOB SHARP, recalled for further cross-examination, being again duly sworn, testified as follows :

By Mr. Wickes :

Q. I gather from what you say, Mr. Sharp, that the promoters of the Broadway Surface Railroad

Company, and the trustees of the Broadway and 2774
Seventh Avenue Railroad Company, are friendly.

A. Yes, sir. Q. And if the Broadway Surface Railroad Company—if the franchise of Broadway is granted to the parties who are at present applying for it, the Broadway and Seventh Avenue Railroad people intend to aid them in every way they can to operate the road? A. Oh, I don't know as they propose to aid them particularly; they propose—

Q. They propose to co-operate with them, do they not? A. To a certain extent; yes, sir; to allow them to run their cars all the way to Central Park, so that a passenger can be carried from the South Ferry to Central Park for five ctns; they propose to unite with them to that extent. Q. If the present application is granted, and the Broadway Surface 2775

Railroad Company are allowed to lay its railroad in Broadway, then it will be possible, under that arrangement, for a passenger to go on the cars at the South Ferry, and to ride, without change of cars, to Central Park? A. Yes, sir. Q. To ride from Fif-

teenth Street, north on the tracks now occupied by the Broadway and Seventh Avenue Railroad Company? A. Yes, sir. Q. What facilities have they acquired, or have they arranged to acquire, at the lower end of Broadway, from the Bowling Green to the Battery? A. Well, we have been in negotiation with two different companies that have rails there.

Q. What companies are those? A. One is the little road that runs up Church Street. Q. The South

Ferry Railroad Company? A. Yes, sir; the South 2776
Ferry Railroad Company, and the other is the Belt

Line. Q. And are you able to say whether your negotiations are complete with them? A. No, sir; they are not complete. Q. Do you think that you

would be able to get those privileges or not? A. I think we will. Q. Your negotiation is so far advanced that you think they will agree on terms with those two companies? A. Yes, sir; not with the

two companies, with one or the other. Q. So that you will be able to have a continuous line then from the South Ferry? A. Yes, sir; and if we failed to do either we probably would use a portion of those stages that are now running.

Commissioner Vance: A portion of what?

The Witness: A portion of the stages that we have contracted for. Q. Isn't it your hope and expectation, and isn't it your belief that you will ac-

2777 quire privileges for the purposes of your Broadway Surface Railroad with either one or the other of those companies. A. We think we will; yes, sir. Q. You have spoken freely, in the course of your testimony, about operating a railroad between Fifteenth Street and the South Ferry? A. Yes, sir. Q. Which includes, of course, the entire intervening space? A. Yes, sir. Q. Have you any doubt, Mr. Sharp, that you will be able ultimately, if you get this privilege, to operate a railroad between Bowling Green and the South Ferry? A. No, sir: I have no doubt at all.

Q. You made use of the expression, I notice, in your testimony which has just been read, that the Broadway franchise was not such a big thing after all, indicating, I presume, that its value has been exaggerated? A. I have not changed my mind about that. Q. Do you think it would have been of greater value 10 years ago than it is at present? A. I think it was worth four times as much 20 years ago as it is now. Q. Why? A. Because there was more business, more travel on Broadway than there is now. Q. Has not the city grown in the meantime? A. Yes; of course it has. Q. Are there less people on Broadway now than there were 20 years ago? Why, there isn't one-quarter; there isn't one-quarter of the pedestrians to be seen on Broadway that there were 25 or 30 years ago; there is not one-quarter; I don't think one-tenth. Q. And how about trucks and vehicles? A. Oh, there are plenty of them—plenty of trucks. Q. Has that traffic increased or diminished? A. Well, I don't know whether it has increased; yes, I think it has increased, of course; 24 or 25 years ago there were some 10 or 15 more lines of stages on Broadway than there are now, and I don't know but what 20, and they filled it up; the same number of trucks could not have got on there then, because there was no room for them. Q. In the last 20 years a great many people have gone to live in South Brooklyn and Staten Island? A. Yes, sir. Q. When those people got to New York and land at the foot of Whitehall Street, where do they go? A. I don't keep run of those people, but I do keep run of this thing on Broadway; I have been interested in the carrying of people, and the fact that I had applied for a railroad on Broadway has kept the thing before me to more or less extent all the time; therefore I have

been particular to watch and see what was going on 2780
all this time, and the probability is that I watched
it closer than some man keeping a shoe-string store
that was not interested in that. Q. Do you suppose
you watched it more closely than the members of
the police force that are doing duty on Broadway—
the Broadway Squad? A. My impression is I have
watched it a thousand times more than they have;
that is my impression, because, in the first place, it
is entirely out of their line; they never give it a
thought as to how much travel there should be here,
and what there is leaving here, or anything of the
kind; that is my impression; I don't know what
any individual has done, but it is not a natural con-
sequence for people not interested to take such close
notice. Q. Then, if I understand you, at present 2781
there is only one individual walking on Broadway
where 20 years ago there were 10? A. I think there
is more than that difference; why, sir, it used to be
a difficult thing, and every man of my age who was
here then knows that it was a difficult thing to pass
along on the sidewalk, to get through the crowd, in
fact it was very difficult for a man to go north on
the west side; the main travel north was on the east
side, and a man that wanted to make good headway
had to go over on the east side to get up; there was
a perfect throng there all the time; if any man will
go up to Fourteenth Street now and see the throng
that is there every day between Sixth Avenue and
Union Square, then he may know what it used to
be on Broadway all the way up to Fourteenth 2782
Street.

Mr. Bright: And the same on Twenty-third
Street between Fifth and Sixth Avenue, on the south
side? A. Yes, sir; but there is a larger throng on
Fourteenth Street than there is on Twenty-third
Street; and all those things have gone there since
the railroad went there—Fourteenth Street and
Twenty-third Street; I put the rails in both those
streets when there were nothing there but private
residences; now you can't get a lot there if you
covered it with silver dollars, and I hardly think
you could with gold, to buy it. Q. Is it your
opinion, also, that the pedestrian crowd on Broad-
way is diminishing? A. It has diminished to the
extent that I have told you; there were over ten
times as many there at the time I speak of as there
are there now; perhaps that is too large, but twice

- 2783 that amount certainly ; I am free in saying that. Q. Is it your opinion that the pedestrian traffic on Broadway is now diminishing—is it your opinion that it will be less next year than it is this year, for instance—is it your opinion that it is less this year than it was last? A. I think this—that if there is no other communication for passengers on Broadway, no railroad there of any kind, that it will fill up entirely with wholesale business, and the more it fills up with wholesale business the less you will see of pedestrians there—the less call for them ; there is no object for a man to stick out his sign—his shingle, so to speak—if he don't put it where people can read it ; people don't go there ; people who want to go up and down Broadway get into the cars now of the Broadway and Seventh Avenue road, or into the Fourth Avenue cars, and ride on either side ; they don't go there, and for that reason it is no object to keep a retail place there ; people don't go there ; I myself, unless I went expressly to take a look at Broadway, would scarcely ever see it ; for the last three or four months I have been somewhat under the weather, and been compelled to ride up and down in my carriage, and I have seen more of Broadway for the last two months than I have seen in five years before ; I wouldn't get into a stage to ride up and down ; if I wanted to come down I would go in the elevated road or the Broadway and Seventh Avenue, or the Sixth Avenue, or the Fourth Avenue.
- 2784
- 2785 Q. To change the subject a little, something is said in the so-called obligation or bond which has been given to the City, after reasonable obligations as to the removal of snow ; will you let me inquire of you how you propose to remove the snow from your tracks, or from Broadway, in case you are allowed to build this road? A. We are not compelled to take the snow away, that I know of, now, but we are subject to all ordinances of the Common Council ; this very act subjects us to all ordinances of the Common Council, relative to cleaning the snow from the tracks, but we are compelled now to keep the width of our tracks, and two feet on either side, in good repair, so far as the pavement is concerned, and we are liable to any kind of a resolution they may pass. Q. What would happen if you should make up your mind that a resolution which they passed was unreasonable? A. If they should—

Q. There might be a fight about it then? isn't that so? A. If they should pass a resolution that we should take the snow and carry it up to the bridge at Albany and dump it in the river there, we should call that unreasonable, and on that we would fight, probably; we would consider that unreasonable. 2786

Q. Do you consider the existing ordinance on the subject unreasonable? A. There is no existing ordinance on the subject at all—on Broadway. Q. Is there not upon the Corporation ordinances an ordinance relating to the removal of ice and snow? A. There was such a thing that the Court decided was not lawful. Q. Upon application of the Broadway and Seventh Avenue Railroad Company and upon the application of the Twenty-third Street Railroad Company? A. Don't

make any difference whether it was or not; it would be all the same; the Courts have decided that they have no power to compel us under that ordinance; but here is a law that gives it; we are bound under that; we couldn't get away from that. 2787

Q. How do you propose to deal with the matter of snow? A. There is time enough to deal with that when it comes—when the ordinance comes. Q. Don't you suppose, Mr. Sharp, when the time comes, that any regulation which the Common Council will pass on that subject, will disturb the road and the enjoyment of its franchise, will occasion to the road great loss of income of large sums of money; will hinder, delay and obstruct the railroad, will cause

a suspension of its business; will be liable to give rise to numerous— A. I cannot keep all that question in my mind; that question is so long I cannot keep it in my mind. Q. I want you, Mr. Sharp, to tell us how you propose to deal with this matter of snow? A. We propose to deal as the law directs us in every respect, and don't propose to evade the law in any respect. Q. Suppose, then, the Corporation of this city, through the Common Council, should pass now the same ordinance which was passed in 1879, would you consider that a reasonable regulation for the removal of ice and snow, under section 9 of this law? 2788

Commissioner Harris: All there is about that is that if there is a valid ordinance it is binding on this road, and if it is not binding it is not binding; if the Common Council has no power to pass an ordinance to cover this subject, I don't see any remedy

2789 except to go to Albany. I don't see that you can draw much of an argument from that about this.

Q. Mr. Sharp, let me ask you this question : Suppose that an ordinance should be passed requiring the Broadway Surface Railroad Company, before it used any snow-plough or sweeping machine, to get a permit from the Mayor ; and suppose that such permit were granted upon the condition that in case any snow fell so deep that the piling up of it would render the roadway unsafe for travel, or render it inconvenient for vehicles to approach the curbstone, that within twenty-four hours after any such fall of snow, and after the use of a snow-plough, the Broadway Surface Railroad Company should, at their own expense, remove and carry away the snow
2790 thrown up by the plough, would you consider that a reasonable regulation ? A. Well, it would depend upon the depth of the snow whether they could or they could not—whether you could get possibly force enough to take it away in twenty-four hours.

Mr. Bright : Suppose it were your legal duty, wouldn't you submit to it ? A. Yes, sir ; we would submit to it in some way or other.

Q. You just now said it might be impossible. A. Well, then we would have to submit to all the penalties ; if it were impossible, we would have to submit to all the penalties the law would put upon us ; and if they took away our grant we would have to stop entirely ; that is all I know ; they might make things which are entirely impossible, but they would
2791 put a penalty upon them, and, suppose they did, we would have to submit to all this thing.

Commissioner Harris : Well, what he means is, are you willing to be bound by any ordinance ?

The Witness : Yes, sir ; if they make it so it is impossible, why, it ain't our fault.

Commissioner Vance : I suppose there is no law that any individuals or companies need to perform that which is not possible to be performed.

The Witness : Well, that is all I want to get around, that is all ; we will submit to anything that can be done by the company.

By Mr. Bright :

Q. I desire to ask you, Mr. Sharp, if it is your desire to have it understood that you are committed, and your company, so far as you can influence it, are committed to the most complete and satisfac-

tory style of railroad and method of operating, and 2792
 also the performance of every duty in and upon the
 street that may be legally imposed upon you that
 will in any way promote the convenience and satis-
 faction of the public? A. That is my intention and
 the intention of the company. Q. Referring to the
 parallel lines of road, I think it has been suffi-
 ciently proved, but a suggestion is made that it
 should be made more clear, as to the crowded con-
 dition of the parallel lines of railroad; the lines
 parallel to Broadway, are they crowded to such an
 extent as to create, in your mind, the belief that
 another road would afford a needed facility to the
 public? A. Well, some of them are very much
 crowded. Q. In regard to the stages, how many
 trips does each stage make a day? A. Well, I
 think it is seven trips. Q. In your observation of 2793
 Broadway recently, during the past two months,
 and during the past year or two, what have you
 observed in respect to vacant stores and buildings?
 A. I think I counted between here and Union
 Square something like forty at one time. Q. As
 compared with the days of Broadway's greatest
 prosperity is that a large or a small number? A.
 Oh, my goodness, it was a rare thing to see one.
 Q. Years ago? A. Years ago—empty any length
 of time. Q. What is the habit of vehicles in
 respect to using railroad tracks—trucks and other
 vehicles? A. Well, sir, I will guarantee that to-
 day, now at this time, you will find ten times as
 many crossing Twenty-third Street as you will find
 five or ten blocks on either side—not ten, but until 2794
 you get to Fourteenth Street—until you get to
 another railroad in the street; between that and any
 other railroad street; you will find ten times as
 many there, leaving the river either side of the city;
 every load of coal, lumber and everything—every
 load of wood and everything of the kind—every-
 thing puts right for the railroad track, and don't go
 in the other streets because they can't carry a load
 as well; I have seen it so from December to April,
 in Twenty-third Street, when the snow was piled up
 as high as your head; and yet they complain; my
 friend here, the Corporation Counsel, would com-
 plain that this thing was a nuisance of using the
 broom and the plow to throw it up; and if we
 hadn't used the brooms and the plows to throw it
 aside these people never could have got through

2795 there ; we had to get in a line with them, as we had no more rights than they ; they would go right along with us, and we would get into the crowd and go through with them.

By Mr. Everts :

Q. Have you ever driven in New York City ? A. Driven how ? Q. Have you ever driven four-in-hand ? A. I don't think I ever did drive four-in-hand. Q. Did you ever drive anything that is driven in New York City ? A. Yes, sir. Q. For what period ? A. For a great many years I have driven about ; it was the only way I got about by driving my own horse. Q. With a light wagon ? A. Yes, sir. Q. A single horse ? A. Yes, sir ; with a light wagon, and a two-wheeled gig. Q. Have you ever driven heavy wagons—trucks ? A. No ; I never drove any trucks. Q. When did you make the count that you speak of between here and Union Square ? A. I think it was in December. Q. December last ? A. December or the first part of January. Q. Either last month or the month before ? A. Yes, sir. Q. You stated that you counted forty ; I didn't understand what it was you counted. A. Forty places to let, on the first floor—not lofts. Q. Were these vacant buildings—entire buildings—or parts of buildings ? A. I don't know what they might have had in the lofts, but they were stores to let—first floors. Q. Ground floors on Broadway to let ? A. Yes, sir. Q. You say you counted forty ? 2796 A. Yes, sir. Q. Were you walking or driving ? A. Driving. Q. In your own carriage ? A. Yes, sir. Q. What proportion of those vacant stores, Mr. Sharp, were between here and Canal Street ? A. Well, I didn't mark them down or take down the numbers. Q. And you don't remember now ? A. I don't know where the main proportion was ; I don't know whether it was between here and Canal Street, or what the number was for the same distance above ; there were a good many between here and Canal Street. Q. Were half between here and Canal Street ? A. Oh, well, I didn't count them. Q. All may have been between here and Canal Street ? A. Oh, no ; oh, no.

Q. What is your best opinion about it ? A. My best opinion is that they were pretty well distributed. Q. About an even thing between here and Fourteenth Street ? A. Now, I don't know ; they

were scattered ; you are not going to get anything 2798
 out of me different from what I have already told
 you ; what I told you I believe to be true, and I
 shall not alter my answer. Q. I shall have to ask
 you again—— A. Very well, I shall not alter my
 answer. Q. Do you refuse to answer? A. Yes,
 sir. Q. Do you refuse to give your best opinion as
 to how they were distributed? A. I refuse to give
 you anything different: I don't know how much
 they were distributed ; I say that I counted forty,
 and that was the amount, and I say there were a
 good many between here and Canal Street ; whether
 there were as many between here and Canal Street
 as there were in any other distance for the same
 length above that or not, I cannot tell ; now, I have
 told you all that I know. Q. I want to get your 2799
 best judgment, or best recollection. A. Well, I
 have no other judgment about it. Q. That is all
 that you can say about it? A. Yes, sir ; that is all
 that I can say about it. Q. About how they were
 distributed between here and Fourteenth Street? A.
 Well, I don't know. Q. You say that is the best
 you can say about it? A. Yes, that is the best I
 can tell you.

By Mr. Wickes :

Q. You have noticed that there has been a great
 deal of building on Broadway within recent years?
 A. Yes, sir. Q. And that large and first-class
 buildings have been put up on the corner of Grand 2800
 Street, for instance? A. Yes, sir. Q. On the
 northeast corner of Grand Street and Broadway?
 A. Yes, sir. Q. And those on the side of Brooks
 Brothers? A. Yes, sir. Q. Corner of Bond
 Street? A. Yes, sir ; and this side of the Metro-
 politan Hotel ; large buildings down between that
 and Grand Street, and a number of them run through
 to Crosby. Q. And a new block of stores has just
 been constructed on the site of the old St. Nicholas
 Hotel ; A. Yes, sir.

NEW YORK, February 16, 1885.

ABRAHAM B. MILLER, called as a witness on
 behalf of Mrs. Boreel and the Board of Trade and
 Transportation, being duly sworn, testified as fol-
 lows:

2801 *By Mr. Beaman :*

Q. Where do you reside? A. I am residing at present at 36 East Thirty-second Street: my permanent residence is New Rochelle, Westchester County. Q. How long have you been a resident of the City of New York? A. Well, I was born in the City of New York on the 24th of December, 1832. Q. And you have resided here ever since? A. With the exception of about ten years. Q. Where did you reside during that time? A. State of Indiana seven years, and South America.

Q. What business have you been in in the City of New York? A. For the last twenty-eight years I have been engaged in warehouses—United States bonded, and free warehouses. Q. Where are your 2802 warehouses situated, Mr. Miller? A. At present in Pearl and Water Street, New York; 88 and 90 Pearl, 54 and 56 Water, and 76 Pearl. Q. Have you any particular connection with any duty to oppose before this Commission the putting down of any horse railroad? A. Yes, sir. Q. Have you been appointed on a committee? A. I have; I have in my pocket the official credentials or resolution by which I appear before this Commission as a representative of the Board of Trade and Transportation. Q. Please produce that. A. Here it is (produces paper).

Mr. Beaman : I will read the paper produced by the witness; it is as follows :

2803 “ NEW YORK BOARD OF TRADE AND TRANSPORTATION.

“ AMBROSE SNOW, *President*,

“ D. R. JAMES, *Secretary*,

“ JOHN C. COOK, *Treasurer*.

“ (And various directors.)

“ NEW YORK, February 12, 1885.

“ At the regular monthly meeting of the New
“ York Board of Trade and Transportation held
“ Wednesday, February 12th, 1885, Mr. James T.
“ Young moved that the resolution which was
“ adopted at the October meeting of this Board, in
“ regard to a surface railroad on Broadway, be re-
“ affirmed and a copy forwarded to the Honorable
“ Commission now considering the application of
“ the Broadway Surface Railroad Company.

"The resolution alluded to was read by the Sec-2804
retary as follows:

"Whereas, The City of New York is almost entirely dependent upon its foreign commerce and business interests for its pre-eminence in population and wealth, and any obstruction to its commercial interests would work serious, if not irreparable injury; and

"Whereas, The construction and operation of a surface railroad through lower Broadway would, to a large extent, blockade, and, at times, render impassable that great highway of commerce; therefore,

"Resolved, That in the opinion of this Board, the construction and operation of a surface railroad along and through Broadway below Fourteenth Street should not be permitted, and that a committee of five members be appointed by the president to confer with his Honor, the Mayor, and take such other action in the premises as in their wisdom may be deemed most expedient to protect the commercial interests of the city. 2805

"Mr. Young's motion was then duly seconded and agreed to.

"I hereby certify that the foregoing is a correct copy of the minutes.

"FRANK S. GARDNER, *Acting Secretary*."

(The above paper is marked Exhibit I of this date.)

Q. In pursuance of this resolution in this paper presented by you, was a committee appointed by that association? A. There was. Q. Who was that committee? A. A. B. Miller, James T. Young, Frank O. Herring, William H. Arnoux and George L. Pease. Q. Who was the Chairman of that committee? A. I have the honor to be. Q. Of whom does this association consist? A. About 900 firms. Q. Nine hundred firms in the City of New York? A. Yes, sir. Q. In what business are these firms engaged? A. Embrace every variety of importing, jobbing and manufacturing business carried on in the city. Q. Are most of the firms above or below Fourteenth Street? A. Well, they are distributed through the city; mostly, I should say, below Canal Street. Q. Are you familiar with the use that has been made of Broadway during the years that 2806

2807 you have been a resident of New York? A. Yes, sir. Q. And you are now? A. Yes, sir; I knew this place from the time when grass grew nearly to the middle of the street below Wall Street. Q. In what part of the city were you born? A. I was born in what was then called Lombardy Street. Q. What changes have you seen in Broadway in your lifetime; I mean in regard to the general uses that have been made of it? A. Well, it was almost exclusively private residences, and it has now become the most important business street in the City of New York. Q. Why is it the most important business street in the City of New York? A. For the reason that the largest houses are located upon the street; it has the largest houses and the buildings are first-class, that give occupancy to
 2808 more tenants than any other street in New York. Q. What position does this street occupy so far as general traffic is concerned compared with other streets of the City of New York? A. It is considered now by the mercantile community as about the only unobstructed and practical thoroughfare for the transportation of merchandise from Canal Street to the Battery.

Q. State, in your opinion, Mr. Miller, what effect it would have upon Broadway to place thereon a surface horse railroad, with a double track, running from Fourteenth Street down to the Battery, and with cars running thereon in the usual way with an interval of a minute or two apart? A. I should consider it fatal to the successful use of the street commercially. Q. Please explain what you mean,
 2809 and why? A. I mean by that that a double-track surface railroad is a permanent obstruction; the cars placed upon the track are immovable, except longitudinally, and even if the sixteenth of an inch would be sufficient to raise the blockade, it could not be done if a horse-car were in the way; and in regard to Broadway, it is entirely different from what it was a few years ago; it is now given up pretty much to wholesale business, that involves the use of large wholesale trucks, that are backed up opposite each other frequently for a considerable distance on each side of the way, leaving for the passage of trucks and other vehicles a very small space between; that is the condition now, particularly in business parts, and an omnibus or a truck or any conveyance can be diverted from its course,

permitting the passage, understand, of trucks, but 2810
 the very moment you put these large cars there,
 they are like a wall; they are fixed, and, as I said
 before, if a fractional part of an inch would raise
 the blockade, you could not obtain it; there is the
 difference; that is the condition to-day; and if re-
 pairs are going on in Broadway they could close a
 whole block now, and trucks and carriages and om-
 nibuses could be diverted, and frequently are; the
 moment that you rely upon a surface railroad that
 is impossible. Q. Now, in your judgment, would
 such a railroad affect the general commercial inter-
 ests of the City of New York? A. Well, I want to
 understand fully the purport of your question;
 please state it again. Q. How would it affect the
 general commercial interests of the city, and any- 2811
 thing that goes to make up what you consider the
 public welfare of the City of New York? A. The
 transportation of passengers in a large city, where
 residences are remote from the places of business, is
 to an extent a necessity; but the primal necessity of
 the City of New York is its commerce, without
 which we would require neither surface nor elevated
 roads nor omnibuses; and, in my judgment, in the
 discussion of this question, the main question has
 been lost sight of; New York is a commercial city;
 foreign commerce, understand, makes New York;
 foreign commerce gives us a great jobbing trade;
 the jobbing trade brings to us the manufacturing
 business; there are other cities in the United States
 that have exceeded New York in manufacturing; 2812
 a few years ago Philadelphia outran New York for
 the reason that she had cheaper coal, cheaper iron
 and other raw materials, and facilities of that kind;
 but the advantages of being near foreign commerce,
 the extensive jobbing business that is done here
 now, causes the City of New York to outride all
 other cities of the United States by reason of for-
 eign commerce; the advantages derived from it
 alone are immeasurable; I hope the gentlemen will
 give me an opportunity of stating fully my views on
 this question, because I understand this Commis-
 sion, gentlemen, was appointed to consider this
 grave question whether we should give up the only
 commercial highway that we have, to the transpor-
 tation of passengers, to the sacrifice of the great
 primal interests of the city; New York has but a small
 —I want to call attention, understand, to the fact

- 2813 that New York has but a little front on the Atlantic Ocean, but it is the harbor of New York alone that we have ; other States have hundreds, and in some cases thousands of miles of territory that borders the ocean ; the State of Maine and other States, but New York has but this little point ; but the advantages of our matchless harbor, notwithstanding that we have but a few miles of sea coast, is what has made this the Empire City and the State of New York the Empire State ; I merely mention that to show how jealously we should guard this great material interest on which the welfare, not only of this city but of the State, immeasurably depends, and that no infringement should be allowed upon the commercial interests, or anything that will impede commerce, because it will injure our city and deprive our people of the benefits which result from commerce ; business transportation should be of primal importance, passenger transportation secondary ; and the attempt to sacrifice the commercial interests of the city to the transportation of passengers necessarily must go to the board—the transportation of passengers must go to the board ; and I am here to-day, as you can see by the official document that I brought here, as a representative of at least nine hundred firms, and they are opposed to the construction of this road, and they are the peers of any of the commercial firms in this country ; we have no interest except the interest that inures to the citizens in the general welfare of this city ; we cannot press this question too strongly, and I therefore go a little outside of the evidence that might be called in regard to truckmen or cabmen expert evidence in regard to their particular calling ; we take in the general principle in regard to this question.

2815 Q. Mr. Miller, please explain to the Commission, as concisely as you can, how this railroad will, in your judgment, affect the commerce of the City of New York and its interests as a city ? A. I believe that it would render it at times almost impossible to transact business in the lower part of the city—in the business parts—in the matter of transportation ; of course if we cannot transport merchandise, we cannot sell merchandise ; now, very often at present, although omnibuses make way and frequently are diverted around the block, and other relief is given, I myself have on more than one occasion been compelled to walk as far as from St.

Paul's Church to Wall Street, before I could, as a 2816
 foot passenger, get across Broadway, and as active
 as men generally are and as courageous as men gen-
 erally are, it was impossible for me to get across with
 the wagons locked and inter-locked, and I was told
 by a policeman on one occasion that the block had
 lasted for nearly two hours; and, to my astonish-
 ment, as I passed through Nassau Street and Wil-
 liam Street on my way to my place of business I
 found the same condition existing on these parallel
 streets, and I was informed that on the same day it
 had extended all the way from West Street; I
 merely mention that merely as an incident of my
 own personal knowledge. Q. How long ago was this,
 Mr. Miller? A. I think it was two or three years
 ago—this particular block that I speak of, that I 2817
 witnessed myself, although I have understood it
 was quite a frequent occurrence. Q. Would horse-
 cars cause more or less such blocks, in your judg-
 ment? A. A great deal more, for the reason that
 they cannot move off their tracks, and then, besides
 that there is another thing; Broadway is underlaid
 with sewers, and water pipes, and other pipes, and
 their connections; I think there are two or three
 lines of gas pipes, steam-heating pipes, and perhaps
 pneumatic tubes, and other things; there is a con-
 stant necessity for disturbing the pavements, leaving
 out the question of repairs; I have seen, I presume
 all the gentlemen here have seen, times when a block
 of Broadway has been closed; I have seen a whole
 block closed at times, and everything diverted by 2818
 reason of the necessity of excavations being made;
 and it was here not long ago, nearly opposite this
 building, that I saw one-half of the street fenced off
 for the purpose of making repairs to the pavements;
 All this is possible under the present system, bad as
 it is, but the very moment you get a double track
 permanent structure there, what are you going to do
 in such cases then? Q. Is there more or less de-
 mand for improving the facilities on Broadway for
 transportation of passengers than there was ten
 years ago? A. Well, we must treat that question
 relatively; there are greater facilities, and we have
 facilities that were not in existence ten years ago
 for the purpose of transporting passengers to the
 lower part of the city; we have two elevated rail-
 roads running parallel all the way down to the
 South Ferry, and in fact they are amply sufficient

2819 for the most part of the way, particularly when Broadway is crowded, to transport any passengers that may be required to be transported from the Battery or intermediate points; also they have a one-horse railroad that is not patronized to any considerable extent, running down to Whitehall Street on the extension of Church Street; now, the necessity for the transportation of passengers increases with the population of the city; it would be well if every man could be taken, without inconvenience, and without cost for that matter, from his place of business to any points he might wish to go; but we have got to deal with the practical question, not what we would have, but what we may have—what is possible to have, consistent with the maintainence

2820 of the chief interests of the city on which everything else depends. Q. As you look at the prospects of improving business on Broadway hereafter, supposing that no railroad is built upon it, what, in your opinion, is to happen to Broadway between here and Fourteenth Street; what business is to extend up there? A. Entirely wholesale business; and I wish to say right here, speaking of the businesses that have been closed, as I have seen by reading the daily papers as to the proceedings of this body, in reference to the retail business,—I want to say right here that the retail business is a consequence of the importing and wholesale jobbing business of this city.

Q. Why so? A. For the reason that without foreign commerce and the jobbing business you would have scarcely a hamlet here in comparison with what you have to-day; it is the local population and the population of the contiguous and surrounding country that built up the City of New York, and if we embrace a territory equal to the City of Philadelphia we would have a population to-day nearly equal to that of London, and that immense population gives the necessity, understand, for the retail business; it is the result of the success of our importing and wholesale jobbing houses, without which we should lose our population and require very little facilities for the transaction of the retail business; it is an incident, in other words, of the foreign importing and wholesale jobbing business. Q. Will you state whether you looked to see the commercial interests of New York increase or decrease relative to other cities? A. Increase; I can-

not give the figures exactly to-day, but I can state 2822
 one matter connected with the City of New York
 that shows its importance; for instance, the Erie
 Canal, during the season of seven months naviga-
 tion of last year, transported and delivered at the
 port of New York about 39,000,000 bushels of grain;
 the railroads for a period of eleven months—all the
 railroads transported to the City of New York was
 43,000,000; the receipts of grain in the City of New
 York during the eleven months were about 9,000,000
 of bushels in excess of the combined receipts of Bal-
 timore, Philadelphia and Boston combined; it is
 only necessary to take that one single circumstance,
 understand, to give you an idea of the great impor-
 tance of the commerce of the city, and how we are,
 I may say, dependent entirely upon it for the con- 2823
 tinuance of our population, prosperity and wealth.

Q. To what extent have the warehouse or storehouse
 facilities of New York increased for the last twenty
 years—I mean of New York, Brooklyn and all those
 stores? A. I should say it is a mere matter of esti-
 mate from observation; I should say in twenty years
 there has been an increase in the warehouse busi-
 ness of New York of from 400 to 500 per cent—that
 is of New York and Brooklyn. Q. They have quad-
 rupled? A. Of warehouses and the volume and the
 amount of things that are warehoused. Q. And
 these warehoused things are things that are imported
 into the United States mostly? A. Yes, sir; those
 that I speak of; of course, when we embrace the
 warehouse system we take into account the elevators 2824
 for grain, and all that; the storage of grain to any
 considerable extent in New York is a matter of the
 last quarter of a century. Q. I call your attention
 particularly to the increase of warehousing foreign
 goods as a measure of showing the increase of for-
 eign commerce in the City of New York during the
 last twenty-five years? A. The increase has been
 fully equal in that particular branch. Q. Is there
 any other thing that you would like to state before
 the Commission as a reason why you and your asso-
 ciation are opposed to a horse-railroad on Broad-
 way? A. I don't know whether we have any other;
 I don't think that there could be any other reason
 advanced, understand, that would add anything to
 the weight of the testimony that I have already
 given in regard, understand, to the injury that would
 be done by interfering with commerce as that most

2825 undoubtedly would—that permanent obstruction. Q. Such an interference with commerce, would it interfere with the value of real estate and the rental value of property over the city? A. Depends entirely upon it. Q. What depends entirely upon it? A. The value of the real estate of New York depends entirely upon the continuance of the commerce of the City of New York; it might—I mean to say in a figurative sense—it might have some value without it; some portions of the property might be occupied, even if a large share of it might be given up to the bats and owls; but in the sense in which the matter is understood, I mean to say that the value of the property in New York, present and prospective, is dependent entirely upon our 2826 commercial supremacy.

Cross-examination by Mr. Bright:

Q. Mr. Miller, what was your statement about 9,000,000 of bushels of wheat? A. My statement was—the stenographer has got it. Q. I didn't want the full statement, I merely want what you said about the 9,000,000 bushels? A. That the receipts of grain at the port of New York for a period of eleven months of the year just passed—1884—were 9,000,000 bushels in excess of the entire receipts of Baltimore, Philadelphia and Boston; I merely mention the fact to show the importance of the commerce. Q. Is it your judgment that that fact would have been otherwise if there had been a horse-rail- 2827 road in Broadway? A. Possibly, yes; it might possibly have been otherwise if there had been a horse-railroad in Broadway that would interfere with the free transaction of the importing and jobbing business.

Q. No, no; I don't want any conditions, nothing except your opinion. A. I want to say— Q. Excuse me a minute; I would like to have you state, if you can, affirmatively or negatively, whether you think that would have been the same if there had been a horse railroad in Broadway? A. I believe it would not if the road had been in operation long enough, understand, to reduce the business of the city, as it must. Q. Is it true or not, that the increase of imports and of trade has been concurrent with the increase of horse railroads throughout the city? A. I answer that question, sir, this way: I believe that our business in the City

of New York, could some other method have been devised of transporting passengers other than by the obstructions we have to-day through Ann Street and Beekman Street and Fulton Street and other great thoroughfares of the city—Church Street—if other means could have been devised, I believe that our commercial business would have been immeasurably greater than it is to-day; and while it may be necessary to sacrifice something to get passengers down to their business and back again, yet if we sacrifice too much it would be utterly impossible to do anything. Q. Do you offer any substitute for a horse railroad in Broadway if one should be thought to be undesirable? A. I do not think that any method of transportation for passengers over Broadway, that would involve an obstruction upon the street by any means whatever, should be for a moment tolerated in the existing condition of our city; that is my opinion about it. Q. Do you think that the commercial prosperity and the trade of the city would have obtained the degree that it has reached if there had been no horse railroads whatever in the city and no substitute for them? A. All the point, understand, in regard to that I have already made and answered, and that is that while it has been necessary to transport passengers, and, while we have obstructed the streets to some extent, if the passengers could have been transported without that obstruction our business would have been greater; that is the point that I make; but we have reached a point that no further concessions for transportation of passengers to the exclusion of merchandise, on which the continuance of our population depends, can be tolerated without a sacrifice of the whole; that is the point. Q. What is your business, Mr. Miller? A. My business is bonded warehouses. Q. Where do you carry it on? A. I have already answered all those questions. Q. Where are your stores? A. 88 and 90 Pearl Street, 54 and 56 Water, and 76 Pearl. Q. You regard it as indispensable that you should have convenient access to your warehouses from your residence? A. I do. Q. You do? A. Yes, sir. Q. And you regard it indispensable that every member of every house and that every business man should have convenient access to his place of business? A. Must have it. Q. Without that, trucks cannot be loaded and transported, and without that

- 2831 commerce cannot be carried on, can it? A. No, sir. Q. Then there must be some mutual concession of the one interest to the other, must there not? A. Let me say— Q. Answer that briefly, please, without a full statement, if you can consistently. A. Well, let us see; I want to get the point, understand? Q. Do you understand my question? it is this: you recognize the necessity, as I understand it—the paramount necessity, of business men reaching their places of business conveniently; that being so, doesn't it follow that some concession must be made by the mere interest of transporting merchandise to the convenience of merchants and warehouse keepers? A. Now let me understand — Q. I beg your pardon, answer that affirmatively or negatively. A. I am going to answer the question intelligently; paramount—I object to the term paramount; the transportation or conveyance of merchants to their places of business is not paramount; first, I take exception to that; I can walk; I have for years back; David Dudley Field to-day, as he stated in his testimony the other day, is eighty years of age, and walks six or eight miles a day; in my early days I went to school from 13 Front Street up to Crosby Street—when I was nine years old—and never knew what it was to ride; therefore I hold, understand, that the transportation of men to their places of business is not a paramount necessity; the handling of merchandise involves trucks and cannot be moved of its own accord, and is of
- 2833 paramount necessity; there is the difference; and while it is a great advantage to have convenient transportation for everybody, yet the paramount thing is the handling of merchandise; and if we have to sacrifice the convenience of the merchants and of customers, or the handling of merchandise, then the convenience of the individual must give way to the merchandise; that is my answer to that.
- Q. Then if, to any appreciable extent, the systems of transportation of passengers interfered with the freest transit of merchandise, you would make the transportation of passengers subordinate? A. Entirely. Q. Does a bushel of wheat ever travel through Broadway to your knowledge? A. What is that? (Question repeated.) A. Yes, sir. Q. To what extent? A. Oh, I couldn't tell you, sir; but I have seen loads of sacks of wheat and oats and grain of every description going up and down. Q.

Does any material portion of that nine million bush- 2834
 els travel through Broadway? A. Well, allow me;
 I will answer you freely that the bulk of the grain—
 I know the point which you want to arrive at—is
 not handled by transportation through the city. Q.
 That is all that I want. A. I knew what you wanted.
 Q. I want you to give me answers to my questions
 without so much of a speech. A. I want to throw
 the fullest light upon this subject; I want you all
 to understand that I am not here a single instant be-
 cause of any private interest; I am simply here as
 a representative of an organization embracing, as I
 have said, nine hundred firms; I am here also as a
 citizen, and with some little knowledge of the neces-
 sities of the city, and as such, understand, I am ap-
 pearing as a witness in this case. Q. Were you 2835
 present at the meeting when that resolution was
 passed? A. Yes, sir. Q. How many persons were
 present? A. I cannot tell you. Q. About how
 many? A. Well, there might have been our usual
 attendance at our Board of Directors' meeting of
 thirty-six. Q. Were there thirty-six present? A.
 I should think there were. Q. Not more than that?
 A. I cannot say as to that; all—— Q. Mr. Miller,
 let me try to stop you; I only want an answer to the
 question. A. Yes, but at the same time I don't in-
 tend that you shall convey an impression, under-
 stand, to these Commissioners that falsifies facts;
 our trade organization, as is well known, is managed
 by a Board of Directors and a quorum is nine; and
 we never expect an attendance in excess of that; 2836
 and this organization has been in existence for years,
 and we don't call a mass-meeting when we have such
 a matter as that to attend to, but they approve of
 the acts of the directors, and they elect the direc-
 tors for the purpose of carrying out their wishes;
 that is the point. Q. Mr. Miller, if you don't make
 shorter answers I will stop questioning you and let
 Mr. Fuller take you in hand. A. I must make an-
 swers that will convey my meaning, and when a
 gentleman undertakes, understand, to raise the point
 that we have 900 members and that only a very small
 proportion passed the resolution, I wish it understood
 that that is the habit and practice, and understood
 by the 900 firms, and they concur in it. Q. Do you
 mean by that that not one of the 900 firms is in
 favor of a railroad on Broadway? A. No, sir; I
 don't, but I mean to say by that that the great ma-

2837 jority do oppose a road on Broadway ; there may be some dissentors ; there are to almost everything ; and no progress whatever is made—— Q. If you don't make shorter answers I shall ask Mr. Fuller to examine you. A. All right, I suppose that will gratify Mr. Fuller. Q. Mr. Miller, I venture upon one other question, and perhaps you will give a short answer to this question.

Q. Why is it that the wholesale stores have crowded into the side streets and into the railroad streets to such an extent while Broadway is yearning for them ? A. The cause of it, I presume, has been to some extent the difference in the rents. Q. Are there a great many vacant stores in Broadway ? A. Well, that I am unable to say. Q. You don't know whether there are or not ? A. I should judge not, from appearances, going through Broadway. Q. You don't know as to that ? A. I don't know ; I know that there can be but very few comparatively, from my own observation. Q. Is it your judgment that all the trucks and traffic that crowd Broadway go there from necessity ? A. Yes, sir. Q. You assume that unhesitatingly ? A. I do, yes, sir. Q. And that they could not possibly get along through any other street ? A. Well, at times possibly they might, but for the purpose of illustrating I will give my experience of last Fall. Q. Won't you be kind enough to let what you said before answer that ? A. Well, I want to say a word to the Board in regard to that ; Nassau Street and William Street
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2839 are two streets that are immediately contiguous to Broadway, and of course they would naturally be obliged to take either of those streets going or coming from that direction ; those streets are so narrow that a single truck backed up blockades the street effectually ; some time ago I took a cab to go to Forty-second Street, and I had not much time, and Nassau Street appeared to be clear, and I instructed the cabman to go through Nassau Street ; he got along very well until he passed John Street and got midway into the block, when a large double truck, filled with printing presses or something of that character, backed up suddenly in front, and there we were, and supposing it would involve an hour or two, I told him to turn and go back, and to my astonishment another truck, almost similarly loaded, had backed up on the other side, and there we were, and I lost my train ; I only mention that to illus-

trate the difficulty of getting through a narrow street where a single truck will block up the whole street ; therefore they are compelled to go to Broadway. Q. How recently have you seen a truck backed up to the curb in Broadway below Chambers Street? Well, I am not in Broadway every day. Q. Have you within two months? A. Oh, yes, sir; frequently. Q. Can you recall the place or the load? A. No, sir; I cannot. Q. Below Chambers Street? A. Well, my best— Q. Below Chambers Street? A. If I mistake not, I saw Marvin's truck backed up there loading a safe not long ago. Q. We will assume that and admit it, but that is all that you recall; now, I won't trouble you any further, Mr. Miller, as to that, because this will open a large field for you; is it your judgment that the commercial supremacy will depart from New York if we have a horse railroad in Broadway? A. I think it will be a means to that end, and a very serious means. Q. Within what period of time will the result happen? A. I don't claim to be a prophet, nor a son of a prophet, and it is a question, I think, that would not affect the judgment of any gentleman here if I should undertake to give my mere matter of opinion in regard to that; but I do take this broad ground, as I said before, that every obstruction placed in the way of the free transaction of the mercantile business of this city is a serious detriment, and while we might be able to maintain a commercial supremacy at a great loss of a vast amount beyond what would give us a simple commercial supremacy, it might still be done; I won't say that it might not, but it is an incubus upon commerce, it is a tax upon commerce, it is adding so much, understand, to the influence and weight and opportunities of every rival. Q. Mr. Miller, do you own any property on Broadway—any real estate? A. No, sir, no, sir; no real estate; no interest.

By Mr. Fuller :

Q. Do you think that the commerce of the city has increased in the last twenty-five years? A. Do I? Q. Yes, sir. A. Yes, sir. Q. You think it is on the increase yet, do you? A. I do. Q. Do you think that it would have increased if there hadn't been increased facilities for travel from the lower to the upper part of the city as rapidly as it has? A.

2843 I think very likely it might. Q. You think it might? A. Yes, sir. Q. Do you think that David Dudley Field would walk down town a day like this? A. He said so; I know a gentleman—

Q. No! no; I beg your pardon; did he ever tell you that he walked down-town on a day like this?

A. I only got his testimony from the papers. Q.

That he walks upon pleasant days? A. Yes, sir.

Q. He has told me the same thing; but do you think that he would walk down on a day like this? A.

Well, that is more than I can tell you. Q. Have you any opinion about it? A. I understand that

Queen Victoria walks in all weather; a man has a hobby— Q. We all have; we will admit that;

now, do you think that the majority of the gentlemen doing business below Fourteenth Street, and living above Fifty-ninth Street would like to walk down-town on a day like this? A. I presume, understand, if it comes to a matter of taste, they

would prefer to come down in a Pullman Palace Car; possibly that is wholly impracticable; they

might come down with Shank's mare, but— Q. Supposing they could come down in a Pullman Car

on a cable road, don't you think that that would be a convenience? A. If it could be done without in-

terruption to the commercial interests of the city, a thing impossible. Q. Do you think it is possible

for the commerce of the City of New York to improve from year to year without facilities for reaching the upper end of the island by cars? A. I be-

lieve that all facilities that will transport people rapidly and easily to and fro are an advantage providing it doesn't sacrifice the city's primal interest,

its commerce; that is the first consideration. Q. What kind or method of travel would you adopt

not to interfere with it? A. If no method, understand, for transportation can be devised except that

which would interfere with the transportation of merchandise in the lower part of the city, I would

have none rather than any. Q. Do you know of any possible track that ever has been adopted or

probably ever will be adopted, that will not obstruct, in a certain measure, trucks and carts and so on?

A. Yes, sir; I think if we had the same system of underground railways that we have in London, they

would not obstruct the travel. Q. Would you rather travel underground or overground? A. It is

not a question whether I would rather travel above

or below ; it is a question, as I understand it, of the commercial interests of the city, and what would obstruct I should prefer, perhaps, as a matter of taste, to have everything removed from Broadway when I pass through it, so that I might go down "grand state," but it is not a question of what I would like, it is a question of what can be done and what is practicable and reasonable ; that is the point which we have to discuss here to-day. Q. Are you aware that the elevated railroads have improved the property of the City of New York to the extent of about \$135,000,000 ? A. I have no doubt that the elevated railroads have done a good deal for the City of New York ; at the same time I have no doubt that they have, to a large extent, ruined a good deal of property to the owners, or the value of it, through the narrow streets through which they pass ; but the elevated railroad, understand, is a different thing from a surface railroad ; it is only a very partial obstruction to the use of a street ; there the columns are placed on the sidewalk, as a rule, and so that they don't interfere with the traffic of the street ; but they interfere with the light and air and injure property that way ; but as regards the highway—the street—the lower part, take Pearl Street, for instance, and take Church Street, the thoroughfare is unobstructed. Q. But notwithstanding the damage to certain streets, you believe that on the whole the elevated railroads have been a great benefit to the City of New York ? A. Unquestionably.

Q. Don't you think that a system of roads that will take people from the Battery to the Harlem River, with transfer tickets, on the surface, would be of a great public benefit not only to the traveling community, but to real estate ? A. Not through Broadway. Q. Drop Broadway—through other streets ? A. I don't think that in the lower portion of the City, anywhere below Canal Street, a railroad, either cross-town or longitudinal, should be permitted. Q. But above Canal Street, you think it would be a great benefit ? A. Well, for the time being, because the commercial necessities do not require the use of it. Q. Which do you think would be preferable in Broadway, if we are to have a railroad on Broadway, an elevated road, or a surface cable road, or a horse-car road ? A. Of the three—if we are to have one—an elevated road, undoubtedly ; if

- 2849 we are compelled to have either, then an elevated road. Q. Would you be in favor of an elevated road, and a surface road, and an under-ground road in Broadway? A. No, sir. Q. You think that an elevated road would be preferable to an under-ground road, or a cable road? A. Now, Mr. Fuller, I want you to understand this: you are asking me certain questions, in an abstract way; as far as my own opinion is concerned, I would have neither on Broadway; it may be an engineering question altogether, but as far as my judgment goes, and common sense goes, I do not believe, with the present buildings on Broadway, that it would be possible to build an underground railroad on Broadway; if it were, then I am heartily in favor of it, under-
- 2850 stand—of an underground railroad through the length of Broadway, if it were possible to build it without obstructing the street and without doing injury to contiguous property—adjoining property; but on the street, understand, as regards a surface railroad of any kind, or an elevated road, I should demur. Q. What do you think of stages on Broadway? A. I think that stages on Broadway answer all the purposes that are required for the transportation of such people as want to ride on Broadway, and that omnibuses can be deflected from Broadway, if necessary, as can trucks, if the necessity exists. Q. Then you consider stages as convenient as anything that could be adopted for Broadway? A. Yes, sir, in connection, understand, with the
- 2851 commercial requirements of the street.

RUSSELL W. McKEY, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Beaman:

Q. Mr. McKey, what is your business? A. Metals. Q. Of what firm? A. Bruce & Cook, 248 Pearl. Q. Near Fulton Street? A. Near Fulton. Q. Is that house an importing house? A. Importing, and deal also in domestic goods. Q. To what extent is their business carried on, and for how long a time has that house been in business? A. Sixty years since the house located there. Q. It has been sixty years in that place? A. Yes, sir. Q. One of the largest in the metal business—dealers

in metals? A. Next to the largest: yes, sir. Q. 2852

How long have you been connected with the firm?

A. Thirty years, sir; I began as clerk, and then became a member of the firm. Q. How long have

you been a member of the firm? A. About twenty years, sir.

Q. In what part of the city do you store your goods? A. In our warehouse, mostly. Q. Where

is that? A. Running through from 190 Water Street to Pearl Street—all of 246 and 248. Q. To

what extent does your firm and other firms engaged in the metal business in the City of New York use

Broadway in the course of their business? A. They use it very largely. Q. Why? A. Well, all the

steamers—most all of the steamers—land on the west side, from Twenty sixth Street down you may

say to Spring Street and below there; we go to the

Inman Line, and the White Star, and Cunard; they are all located there; in addition to that we ship

most of our goods on the west side—largely on the west side—St. Johns Park, Savannah steamers, &c.

Q. But these foreign steamers, coming in on the west side, bring a goods many goods to you? A.

Yes, sir. Q. And most of the metals from foreign ports are loaded on the west side? A. Yes, sir. Q.

And most of the metal firms engaged in that business have their warehouses in the vicinity of their

stores on the eastern side of the city? A. They most warehouse their goods themselves; where they use

bonded houses or stores they usually use those that are most convenient to them without coming across. 2854

Q. Those that are more convenient to the steamers?

A. Yes, sir. Q. What, in your opinion, would be the effect upon the general public interests of the

City of New York if there was a horse-railroad in Broadway from Fourteenth Street to the Battery, with

a double track, and cars running on it in the usual way that horse-cars run in the City of New York, at

intervals, say, of a minute apart? A. It would be a serious hindrance in the matter of receiving and

shipping goods. Q. Such goods as you receive? A. Yes, sir. Q. And what other goods? A. Well, I

should judge anything which requires truckage. Q. Why do you think it would be a serious hindrance?

A. Because they would want a free passage as they have in a street where there is no track; our instruc-

tions to our truckmen are to avoid streets where railroads run in. Q. Why do you give that instruc-

2855 tion? A. Because of the danger and delay, and very often a blockade occurs; time is money in shipping goods and in receiving goods. Q. Do you own your own trucks? A. Yes, sir. Q. And therefore your trucking is all done by your house? A. Yes, sir. Q. By your firm? A. Yes, sir. Q. Why would these horse-car lines, in your judgment, form more obstruction and hindrance than the present omnibuses that are running up and down? A. Because a horse-car is a fixture, not movable, and if it is delayed at all the trucks that are behind will be delayed, and a very little thing will cause their stoppage, if a blockage occurs, whereas in a case of vehicles or omnibuses they move about from place to place so that the facilities are somewhat greater
 2856 than they would be where there was a fixed means of travel. Q. Are the instructions that you have given to your truckmen about avoiding horse-car streets the result of such experience as you have had? A. Yes, sir; and not only that, but they are more liable to accident running in tracks. Q. Would you give in a rough way, Mr. McKey, if you are able to do so, the total number of tons of metals of various kinds that your firm deal in in a year? A. Well, I would state in connection with our own firm that all the metal importers are located in our section there and within a radius of about three blocks, so that all these heavy goods, as far as they store them themselves, have to be carried to the store and then shipped from there; the amount I am unable to say;
 2857 you might form an idea from the fact that Phelps, Dodge & Co., importers—that their importations are about 500,000 boxes of tin in a year—between 500,000 and 600,000.

Q. You cannot give a general estimate of the number of tons of metals that are bought by the various firms in that vicinity? A. No, sir; I could not give that just now. Q. Are you a property-owner in the City of New York? A. No, sir. Q. Where do you live? A. I am a representative, though, of property, and adjacent to Broadway. Q. So far as you are aware, Mr. McKey, is there any public demand at the present time for a horse railroad on Broadway from Fourteenth Street to the Battery? A. I should think not, sir. Q. You have been doing business here how long? A. Well, previous to my connection with this firm thirty years ago, I was here about eight years.

Cross-examination by Mr. Bright :

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Q. Where do you reside, Mr. McKey? A. Brooklyn. Q. You don't have occasion, often, to use the surface cars in this city, do you? A. Not much; no, sir. Q. You don't patronize the Broadway and Seventh Avenue line? A. No, sir. Q. That runs down through University Place? A. No, sir. Q. Do you use the Brooklyn horse-cars? A. Yes, sir. Q. Daily? A. Yes, sir. Q. At what ferry do you usually cross? A. Fulton. Q. And how far do you go? A. About three miles, sir. Q. Three miles? A. Yes, sir. Q. Will you kindly tell me which line you use? A. Myrtle Avenue and DeKalb. Q. Leaving the ferry, you take how long to get to your house? A. Takes about thirty-five minutes after I start. Q. Thirty-five minutes from the other side? A. Yes, sir. Q. After you enter the car? A. Yes, sir. Q. And how long does it take from your house to the ferry—about the same time? A. About the same time. Q. And do you usually leave your store at about the same time every evening? A. Yes, sir. Q. And do you leave your house at about the same time every morning? A. Yes, sir. Q. Do you arrive at your store with great regularity? A. Yes, sir. Q. And do you reach your house at night for your dinner or supper with regularity also? A. Yes, sir. Q. These horse-car lines on the other side travel through busy streets? A. Yes, sir. Q. Streets infested with trucks and vehicles of all kinds? A. Yes, sir; all of them, however, are mostly retail businesses; there is not much wholesale. Q. But there are portions of the Myrtle Avenue route which are very busy streets? A. Well, not much after you leave the City Hall. Q. Isn't it so from the ferry to the City Hall? A. Yes, sir; from the ferry to the City Hall. Q. And how many lines of cars are operated in this portion of Brooklyn, from the ferry to the City Hall? A. I cannot recall them now, sir. Q. About twenty? A. I don't know, sir, how many there are. Q. There are so many that you never thought of counting them, isn't that the fact? A. I never thought of counting; no, sir. Q. You have no idea that the fingers on your hand would enumerate them, have you? A. I should judge they are pretty thick there.

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Q. All shades and colors to distinguish them? A. Yes, sir. Q. Would you be surprised if there are

- 2861 twenty? A. I wouldn't be, no, sir; still, stating from my impression, I believe there are less than that. Q. Have you any reason to suppose, from any knowledge of yours, that the horse-cars in New York travel with equal regularity? A. Travel with equal regularity? Q. Yes, sir. A. I suppose they do, yes, sir. Q. I suppose so to; are you acquainted with West Broadway? A. Not, much, sir. Q. You don't recall at this moment any occasion when you were late at supper or late at your store, from your street-car transportation? A. Well, there are exceptional cases. Q. Exceptional cases? A. Yes, sir. Q. But they are purely exceptional? A. Yes, sir; a blockade occurs occasionally between the City Hall and the ferry. Q.
- 2862 Doesn't the delay generally occur from fog on the ferry boat? A. No, sir; it may be from something that is in the way, backed up—a truck there, or something of that kind. Q. What portion of Broadway do your trucks mostly use—what section? A. They run up from here to Warren Street, and turn off up there, and sometimes run up to Canal Street, and come back the same way. Q. Then it is between Canal and Warren? A. Between Canal and Fulton. Q. Between Canal and Fulton that you most use Broadway? A. Yes, sir. Q. You do that in taking a load from your store over to some ship on the west side? A. Yes, sir; shipping to the Troy steamers, or Albany steamers, or others along there. Q. There is no railroad in Pearl Street?
- 2863 A. No surface road in Pearl Street. Q. New Bowery, what sort of a street is that; quite wide? A. Yes, sir. Q. The Bowery also quite wide? A. Yes, sir. Q. Your trucks ever go through Pearl Street, New Bowery and Bowery to Canal Street, and thence across Canal? A. I think not, sir; I think they find that the shortest way is to go right up Fulton and into Broadway. Q. Applying your own knowledge about it, isn't the Bowery route really quite as direct as to go up to Broadway? A. I don't think they would risk going that way, on account of the rise in the hill up there, and I should not be in favor of their going that way—and there are the Third Avenue cars coming down there as well. Q. That is the particular objection that occurs to you as to that route? A. Yes, sir. Q. Aside from that, that is a feasible route? A. Well, I think it would be at times, yes, sir. Q. And

through the greater part of that route there are 2864 street railroads? A. Well, there is a street railroad coming down there to Peck Slip. Q. Railroads in the Bowery, plenty of them? A. That would be an objection to going that way. Q. Don't go beyond my question; we will make the inferences as we go, from the facts you give; there are several lines of railroad in the Bowery, are there not? A. As I said before— Q. No, no, isn't that true, that there are several lines of railroad in the Bowery? A. Yes, sir. Q. And there are also railroads in Canal Street? A. Yes, sir. Q. How recently have you broken a truck in your house? A. I cannot recall it at present, sir.

Q. You cannot recall it? A. No, sir. Q. So many years ago? A. No; I don't think it is so many years 2865 ago. Q. Within how many years have you broken a truck? A. Well, we had a break-down about two years ago, if I remember. Q. Was that from over-loading? A. I think it was a defective axle in that case. Q. You couldn't make out that a horse railroad did that, possibly? A. No, sir. Q. Too bad; now, do your trucks, and do you in your business, daily, and of necessity, traverse streets in which there are horse railroads? A. Of necessity they have to, more or less. Q. I speak of the fact? A. Yes, sir. Q. They do, in fact? A. Yes, sir. Q. They traverse streets daily in which there are horse railroads? A. Yes, sir. Q. And with your ordinary loads? A. Yes, sir. Q. Do you ever deliver any metal in Broadway, between Fulton Street and 2866 Canal? A. That is, have we any customers there? Q. Yes. A. We do, occasionally; yes, sir. Q. Where? A. Well, up here above Reade Street. Q. To whom? A. Mesrole & Co. Q. What kind of metal do you deliver there? A. Sheet zinc. Q. How frequently do you deliver there? A. Not very frequently, sir. Q. Within how many months have you made a delivery there? A. Oh, may be three or four deliveries in the year, sir; we don't have occasion to use Broadway for that purpose much. Q. Then, so far as your trucks are concerned, they will not obstruct passengers who happen to be in the cars of a road on Broadway? A. No, sir; except that they might, if there should be a railroad there, go on the street itself; that is all. Q. Of course; if you should happen to be caught in Fulton Street nights you wouldn't get home to supper,

2867 or to-morrow you wouldn't get to your business in thirty minutes if your boat should be delayed; now, the facts that you have stated do apply, so far as your knowledge goes, to the metal trade in general, as to their use of Broadway and their use of other streets having railroads in them? A. Yes, sir. Q. You don't know that their experience differs in any particular from that you have described as your own? A. I do not. Q. You have no reason to think that it does? A. No, sir. Q. Your house has been existing for thirty years, and I believe firmly that it is conducted on the wisest principles; how do you deliver goods at your store? A. What do you mean by that? Q. Do you back up your truck to the curb? A. No, sir; we drive them inside. Q. You have a roadway? A. Running through the store; yes, sir. Q. Right into the building? A. Yes, sir. Q. And there you deliver and there you receive goods? A. Yes, sir. Q. You regard that as a judicious and proper arrangement for a house of your standing and extent? A. Yes, sir. Q. In that way you offer no obstruction to vehicles or pedestrians, or trucks? A. So far as they come inside, no, sir. Q. I mean in the public highway? A. Yes, sir. Q. You don't claim the right to occupy the public highway for the transaction of your private business in the mere loading and delivery of goods at your place? A. We do claim the right; yes, sir; we use the street, certainly. Q. No, no, I beg your pardon; I think your answer cannot be given exactly to my question; you don't claim the right, in your practice, to obstruct the highway in front of your place of business, for the purpose of loading or unloading merchandise? A. We do, as long as there is a necessity for it. 2869 Q. To what extent do you commit that wrong upon the public? A. Well, as far as the loading or unloading of any goods there might be required. Q. Don't you load or unload wholly inside of your place? A. No, sir; there are a good many goods that we put into our basement; and all our city trade has to be done from the outside. Q. The goods could be removed into the basement from this receiving place where you drive your trucks? A. No, sir. Q. You might arrange it so? A. No, sir. Q. Is there a railroad on either side of your store? A. No, sir. Q. Neither side? A. No surface roads; an elevated road in Pearl Street. Q. Will

you please tell us how far northerly Pearl Street extends from your place? A. Pearl Street extends across Broadway. Q. And there is no railroad in any part of Pearl Street? A. After you come up Pearl Street you strike a railroad; yes, sir, the Peck Slip. Q. Merely crossing or running through? A. Running through it up into the Bowery; you are asking me about the surface roads, I suppose, adjacent to our own store? Q. No, no; I am speaking about a railroad in Pearl Street. A. Well, there is a railroad in Pearl Street beyond Peck Slip. Q. How far is that from your store? A. About two blocks. Q. And southerly there is none, is there? A. No, sir.

By Mr. Beaman :

Q. Do you know how wide Fulton Street is in Brooklyn from the ferry to the City Hall? A. No, I couldn't give you the exact width. Q. Is most of the business on that street? A. Running up to Sand Street is the wide part of it, and after that it narrows. Q. Is most of the business on that part of Fulton Street wholesale or retail? A. Retail.

By Mr. Bright :

Q. There is a portion of Fulton Street above Sand Street that is much narrower than Broadway? A. Yes; I should judge it was a part of the way.

A. Rich, called as a witness on behalf of Mrs. Bo-reel and the Board of Trade and Transportation, being duly sworn, testified as follows : 2872

By Mr. Beaman :

Q. Of what firm are you a member? A. C. T. Reynolds & Co. Q. Are you a resident of the City of New York? A. I am not, sir. Q. Where do you reside? A. Staten Island. Q. How long have you been in business in the City of New York? A. This is my twenty-sixth year. Q. How long have you been with this firm? A. All that time. Q. How long have you been a member of this firm? A. Fifteen or sixteen years. Q. What is the business of your firm? A. Paints, oils, &c. Q. Wholesale dealers in paints and oils? A. Wholesale dealers and manufacturers. Q. Where are their factories? A. One in Brooklyn and one at Bergen Point, New

2873 Jersey. Q. To what extent does your firm, in the course of its business, use Broadway for the transportation of its merchandise? A. Daily I should say; constantly. Q. In going to and from where? A. The west side mostly.

Q. Why do you go to and from the west side?

A. Because those are the points of shipments of our goods. Q. Are you familiar with the use that is made of Broadway by various persons engaged in wholesale business in the City of New York besides yourself? A. From my observation I should say it is in general use for transportation purposes.

Q. Why is that? A. It is about the only highway we have down town. Q. What do you mean by highway? A. Well, a clear way without railroads, or without obstructions—has less obstructions than

2874 other streets—less difficult for our vehicles. Q. What effect would it have upon the general public interests of the City of New York, in your opinion, if there was a horse railroad on Broadway, with a double track, from Fourteenth Street to the Battery, and with cars running up and down on it in the usual way, drawn by horses? A. I should think it would be very detrimental to the wholesale business as an obstruction to the prompt shipment of goods.

Q. Is the prompt shipment of goods an important thing to the wholesale business? A. Very important indeed. Q. How so? A. Important to catch

lines at certain times; they leave at certain times—and also certain lines are closed at certain hours, don't ship after four o'clock. Q. Why do you think a horse railroad would interfere with prompt

2875 shipment? A. I think because there would be constant blockades on Broadway, the cars having the right of way, and the trucks being obliged to turn out from them; it would cause a blockade especially at the Corner of Fulton Street and Broadway where our trucks are constantly passing. Q. Your trucks use Fulton Street a good deal? A. Yes, sir; our business is in Fulton Street—corner of Fulton and Dutch. Q. Would horse-cars running in this way, in your judgment, cause more blockades and obstructions than omnibuses as they now are run? A. Most decidedly. Q. Why so? A. Well, as I

stated before, cars have the right of way, and they are also a permanent fixture; you cannot push them one side as you can a team. Q. How long have you lived on Staten Island? A. This makes

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Q. How long have you lived on Staten Island? A. This makes

Q. How long have you lived on Staten Island? A. This makes

my fourteenth year. Q. Is there any public demand that you know of for a horse railroad on Broadway? A. None whatever—none for Staten Island. Q. Is there, so far as you know, in the City of New York? A. Not so far as I know. Q. You see people coming to and fro from Staten Island by the ferries? A. Yes, sir. Q. If ladies are going shopping in New York from Staten Island, how do they go nowadays? A. They usually take the elevated roads. Q. One side or the other? A. Yes, sir.

Cross-examination by Mr. Bright :

Q. Do you think the people of Staten Island are quite indifferent as to the needs of Broadway in respect to a railroad? A. Well, I think those that have no business in New York are quite indifferent. Q. Where is the bulk of your goods principally stored? A. Well, goods for immediate shipment are principally stored at 106 and 108 Fulton Street; of course we have goods in process of manufacture all the time at our manufacturies. Q. Isn't it true that the bulk of your goods are shipped from your factories? A. Then if they are shipped from the factory they are obliged to come across the city. Q. From what point? A. From Brooklyn, over the Fulton Street Ferry, and also over the Catharine Street Ferry. Q. Is Mr. Richardson opposed to a railroad in Broadway? A. I never heard his opinion, sir.

Q. Is Mr. C. T. Reynolds opposed to a railroad on Broadway? A. Decidedly. Q. Mr. Richardson is one of your partners, isn't he? A. Yes, but he is mostly at the factories; I have never had occasion to discuss the matter with him. Q. In this shipment from your factory to your store you don't have occasion to use Broadway at all? A. No, sir; not from the factory to the store. Q. And do you make a great many shipments from your store to various points of delivery without going into Broadway at all? A. Well, we have to cross Broadway in some way to go to the west side; in most of our carting we use Broadway. Q. You use it, then, to a great extent daily in the transacton of your business, without making any other use of it than to cross it at right angles? A. Oh, no; if we have to go as far as Canal Street, why we go up Broadway that way and drive down; go up as far as we can and

- 2879 then drive down ; either up or down ; we drive sometimes down below. Q. You don't know what course your drivers take ? A. Yes, I do. Q. How do you know it ? A. Because I have general supervision of the whole business, and I have asked the question I suppose. Q. If you knew that in going to a particular place a driver had not gone through Broadway, would you reprove him. A. I should if anything happened to his truck. Q. How lately has anything happened to any of your trucks ? A. Within two weeks. Q. Where was that ? A. I don't know. Q. How long before that ? A. I cannot give you the exact dates ; it frequently occurs ; perhaps a dozen times in the year. Q. In what places ? A. That I cannot say. Q. And from what causes ? A. From collision mostly with other trucks. Q. How is it with stages, do they bump you sometimes ? A. I don't know, sir. Q. Are the stages in Fulton Street an annoyance to you ? A. Not particularly. Q. Do you think well of stages in Broadway ? A. Not particularly. Q. Do you think there are a great many of them ? A. Yes, sir. Q. Do you think the absence of those stages from Broadway would be a material relief to the street ? A. No, not particularly. Q. Why not ? A. Because they turn out of the way so easily ; I never heard our truckmen complain about the stages at all. Q. Then is the principal complaint of truckmen that they have got to get out of the way of cars ? A. Yes, sir. Q. Then it would seem to be a fair inference that they persist in getting into the tracks ? A. Well, they are frequently obliged to get into the tracks. Q. Don't they get into the tracks from choice ? A. No, sir ; I don't think the wheels are made to fit the tracks. Q. Don't they frequently put one wheel in, and run and secure assistance from it ? A. That I don't know ; I have heard the truckmen complain bitterly about railroad tracks and railroad cars ; of course I have had no personal experience in driving trucks ; I merely hear their complaints. Q. They don't feel as free to come into collision with cars as with other trucks ? A. I presume not.

By Mr. Beaman :

Q. Do you own your own trucks ? A. We do some. Q. How many trucks do you employ ? A. We have at the present time twenty horses, and I

believe ten trucks! Q. As you see the omnibuses go up and down Fulton Street, do you find that passengers are in them going to and from the ferry? A. I should judge they were mostly. Q. Do you consider it a public convenience to have omnibuses going from the Ferry up to Broadway? A. I have no doubt it is, sir, to many. 2882

By Mr. Fuller :

Q. If you lived on One Hundred and Fifty-fifth Street and Broadway, and had to come down town every day, wouldn't you consider it a great convenience to have a cable road on Broadway that you could ride right to and from your door? A. No, sir. Q. How would you prefer to go? A. I should prefer to come down on the Sixth Avenue road, or the Third Avenue road, if I lived on the other side. 2883

Mr. Beaman : Elevated roads you mean?

The Witness : Yes, sir.

Q. Where does the elevated road run to? A. Up-town; that is all I know. Q. You don't know where it stops? A. Not up-town; I do here. Q. Suppose you had to ride a mile in a storm like this, would you prefer to have a car right at your door? A. No, sir; I would prefer walking. Q. You don't walk home on Staten Island, do you? A. Yes, sir. Q. Then you wouldn't consider a car taking you right to the door a convenience? A. Not to me personally; I never did consider riding a convenience, except for a long distance. Q. You prefer walking? A. Yes, sir. Q. And for that reason you think other people should walk, because you prefer it? A. I think that other people ought to walk more than they do. Q. Don't you consider that a railroad on Broadway, from the Battery to Kingsbridge, would be a great convenience to the people living at the upper end of the island? A. No, sir. Q. You don't think it would be a public convenience? A. No, sir. Q. How would you have people go up-town? A. I would let them walk some distance and reach a conveyance. Q. Would you like to live in New York and have to walk to Kingsbridge every night? A. No, sir. Q. Then you wouldn't do unto others as you would like to be done by? A. I think we have facilities enough down town already; we have two elevated roads. Q. They have no facilities from Eighth Avenue to the Hudson River on the west side at the upper end of 2884

2885 the island? A. The question is about Broadway. Q. You confine your road to the lower part of Broadway? A. I confine my road to the lower part of Broadway, and my opinion is as to the lower part of Broadway, from Fourteenth Street down; I never considered that we required a horse-railroad or cable-road on that part of Broadway. Q. You consider the elevated road running from the Battery to the Harlem River a great advantage to the people living up-town? A. It may be for them. Q. There is no advantage to people living on Staten Island? A. No, sir; not at all, not for a business man having a business down-town; of course it may be a convenience to a lady going shopping. Q. Wouldn't a cable-road be a convenience to ladies going shopping, 2886 from the west side, from the Boulevard and Kingsbridge, and where there is no road; wouldn't that be a convenience? A. Provided there were no other conveniences, but I think we have conveniences enough. Q. As there is no other convenience on Broadway but the stages, don't you think that a railroad would accommodate the public? A. No, sir. Q. Wouldn't be of any possible advantage? A. No, sir; I don't think so. Q. All the people going over Broadway can be accommodated in the stages? A. Yes, sir. Q. Do you travel up and down Broadway much? A. No, sir; not much, except from the store down; I walk down every night. Q. What number is your store? A. 106 and 108 Fulton Street; I walk from Fulton Street to the Staten 2887 Island Ferry every night, and to the store, from the ferry, every morning. Q. So you have no necessity of going up and down Broadway? A. No, sir; I have not. Q. I thought so.

GEORGE W. MILLAR, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Beaman:

Q. What is your business? A. Paper business. Q. Whereabouts? A. 62 and 64 Duane Street. Q. How near is that to Broadway? A. It is on the block between Elm and Broadway. Q. Of what firm are you a member? A. George W. Millar & Co. Q. What kind of paper do you deal in? A. Wrapping papers, news paper, &c. Q. How long

have you been in this business? A. Thirty years. 2888

Q. To what extent do you use Duane Street; have you a warehouse there? A. Yes, sir. Q. How large a lot have you there? A. Store is about 50 by 80 or 85. Q. Do you use the whole of it? A. We use the store, basement and two lofts. Q. Where are your manufactories? A. Principally in Holyoke, Massachusetts. Q. How long have you been in this business? A. Thirty years. Q. You are a member of that firm? A. I am, sir. Q. To what extent, in the course of your business, do you use Broadway for transportation purposes? A. We use it a great deal for the reason that our business is such that we sell a great many jobbing houses on Broadway paper for wrapping, and, of course, our trucks are going up and down Broadway most all the time; we deliver 2889 all the way from Duane Street up to Forty-second Street, and a great deal of stuff on the west side and among such stores as Stern's, Altman's and other large stores. Q. What is the extent of your business in tons; can you give us any idea? A. Well, from 5,000 to 8,000 tons, I suppose. Q. Do you, in your business, sell paper much to go out of the City of New York? A. No, sir. Q. Do you live in the City of New York? A. I do. Q. Whereabouts? A. Twelfth Street, between Sixth and Seventh Avenues. Q. Are you familiar with the uses that are made by citizens of New York in travel and transportation of Broadway between Fourteenth Street and the Battery? A. I think I am, sir. Q. State what effect it would have upon the public 2890 interests of the City of New York, as you know them, if a horse railroad on Broadway was built between Fourteenth Street and the Battery with a double track and cars running on in the usual way at an interval apart say of a minute, assuming also that the stages were taken off? A. Well, I think it would be one of various things to make business a little more expensive in the City of New York; I speak of what I know in my own business; I know that if there was a track there we could not unload our trucks the same as we do now, and we should have to have more trucks, and it would cost more money; if we have to deliver any goods in streets where there are car tracks we never load as heavy as we do if we go up Broadway or South Fifth Avenue from Canal Street; we can load six and seven tons on a truck when we are taking that route; if we have to cross car tracks,

2891 or pull along with them, we have to load a great deal lighter. Q. How would this cause more expense in the management of your business? A. We would have to have more trucks to do our business; instead of having three trucks we should have to have four, probably. Q. And where would that expense be ultimately charged? A. Expense. Q. And how would it in the end be charged; to your customers, practically? A. Not at all; we have to deliver our goods. Q. And it would be a matter of expense to you? A. Yes, sir. Q. And would diminish your profits? A. Yes, sir.

Q. Such an expense in the end, if you were selling your goods at seven per cent. profit, if you were making a larger item of expense, the goods would
2892 go at higher prices to the merchants buying them? A. We cannot make percentages as we want to in our business; we have to make it for competition; we cannot say we will put on three, five or ten per cent.; that time has gone by. Q. So that it would affect the business competition, and if any person was not in the position where he would be caused this extra expense, why, then he would have that much the better of it? A. He would have that small advantage, yes, sir. Q. Would the placing of these car-tracks have the same effect upon all persons who were doing transportation business on Broadway, as you do it? A. Certainly. Q. Why does the placing of car-tracks on any street necessitate the carrying of lighter loads by vehicles using that street? A.
2893 Because it is hard for them to get over the tracks, without they go straight over; then the pavement around the tracks is not usually in particularly good order, and truckmen are very apt to put one wheel in a track and run along in that way and make a pretty heavy groove on one side of the track, and they have got to get over the groove and over the track, and we have had horses seriously hurt, at the Grand Street crossing on Broadway as it is; we have had our horses thrown down there; and we could get no redress; the Dry Dock and Battery Railroad Company apparently laughed at us, and we had to pay the doctor's bill.

Cross-examination by Mr. Bright:

Q. Your place of business is where? A. 62 and 64 Duane Street. Q. Your paper is obtained principally from what place? A. Our principal source

is Holyoke, Mass. Q. Where is your paper de- 2894

livered to you in New York? A. Our principal supply is delivered at the New Haven Railroad Depot.

Q. In what street? A. Corner of Elm and Centre and Franklin or White, I am not sure—right opposite the Tombs; but we also receive from docks; but that is our principal source. Q. You receive it

there in your trucks? A. Yes, sir. Q. And in receiving it do you take full loads? A. Yes, sir. Q.

What do you consider full capacity? A. Depends upon where it is going to; full capacity for

our store or up-town—we always load the trucks with that view. Q. You receive it at a place where you have to traverse a number of railroad tracks, do

you not? A. Yes, sir. Q. And you, nevertheless, at that very place, in spite of these tracks, put on

full loads? A. Yes, sir. Q. Do you deliver or re- 2895

ceive a load of paper once a day which you do not have to carry over railroad tracks to some extent in

its transportation? A. I don't think so. Q. Then you make no trips in that business from day to day

in which you do not traverse railroad tracks? A. I don't say that. Q. What do you say? A. We do

deliver a great many loads where we do not cross any railroad tracks. Q. State what class of

business you do without crossing a railroad track? A. We start from the store and go up Broadway

and deliver loads at stores between our store and Fourteenth Street; we do cross a railroad at Grand

Street; I correct myself there; we do have to cross a track there but not run parallel with it; Q. What

proportion of your business requires deliveries in Broadway below Fourteenth Street? A. On Broad- 2 96

way itself? Q. Yes, sir. A. Oh, probably not ten per cent. Q. Then outside of that, does not the

great bulk of your business—ninety per cent.—carry you, in transportation of your goods, upon and over

railroad tracks? A. Yes, we have to cross the tracks.

Q. And frequently you have to travel parallel with tracks or upon them? A. Oh, I have no doubt, to some extent. Q. Is not crossing a track worse

than traveling upon it? A. No, sir. Q. Then crossing a track is not bad? A. I don't say that.

Q. Is it bad? A. I should say so. Q. To what extent in your ordinary business do you reduce

your ordinary loads? One per cent.? Will you swear that you reduce them one per cent.? A. Yes,

- 2897 I will. Q. Two per cent. ? A. I cannot go into percentage, sir ; I have sworn to one per cent. Q. Then we will take it one per cent. ; then out of this ninety per cent. of your business which is necessarily transacted upon and over railroad streets, you don't mitigate the loads to the extent of one per cent. ? A. Well, I think I said I did one per cent. Q. One per cent. is one per cent. on a hundred ; of course it is less than one per cent. of ninety per cent. ? A. Well, sir, you are getting too close now ; I will stick to one per cent. Q. You think we have got it pretty close then ? A. Yes, sir. Q. Then you are resisting a railroad in Broadway, and I assume that men similarly employed are resisting a railroad in Broadway, to avoid the extra expense involved in that possible one per cent. of reduced loading ? A. I don't think I have said that we would only have one per cent. if we were to have a railroad on Broadway. Q. Don't you like the figures ? A. I like the figures as we have got them—
- 2898 Q. But at all events the point with you is the extra expense involved in reducing your loads, whatever it is ? A. The extra expense not only in that but the damage in wear and tear on the trucks, and the damage to the horses. Q. Aside from this accident that happened on the Dry Dock road, what other accidents have you had within two years on any railroad ? A. Well we have had our shoes pulled innumerable times. Q. Within two years how many shoes have been pulled, in this way ? A.
- 2899 Well, I will swear to two dozen. Q. In railroad tracks ? A. I didn't see them pulled ; I can only swear what the drivers told me. Q. I would like to see the drivers to swear to that ; well, you sell largely to Stern and other retail stores ? A. Yes, sir. Q. Are all those stores that you named on railroad streets ? A. I think they are. Q. Do you travel largely in Sixth Avenue ? A. No, sir. Q. To any extent in Sixth Avenue ? A. Yes, sir ; we cross it a good deal. Q. To any extent in Fourth Avenue ? A. I think very little in Fourth Avenue. Q. To any extent in the Bowery ? A. Yes, sir. Q. To any extent in Church Street ? A. Yes, sir. Q. And New Church Street ? A. Some, not much. Q. And West Broadway ? A. Yes, West Broadway, some—very little. Q. Wouldn't it be a mercy to the horses if many of these truck loads that disfigure Broadway were lighter ? A. I don't know

anything about the merciful part of it, except as to 2900
my own horses; it would not be any mercy to them.

Q. What do you call a full load that makes you
think it so very important to be on Broadway? A.

Our three horse truck six to seven tons. Q. That is

in addition to the weight of your truck? A. Yes,

sir. Q. What is the weight of your truck? A. I

cannot tell you.

Q. Not less than three tons, is it? A. I don't

know; it may be one and it may be six; I don't

know, it is a heavy truck. Q. Do you know, Mr.

Bergh? A. I do, sir. Q. Have you ever had any

conversation with him? A. No, sir. Q. Or he with

your men? A. His men have stopped my trucks

several times, but they never took anything off, sir;

the horses that I have got are able to carry a great 2901

deal more than that. Q. How many times has Mr.

Bergh had occasion to stop your loads? A. I think

his agents have stopped our loads, to my knowledge,

some two or three times, but never took a bundle off

—we never took a bundle off; they simply stopped

the loads, looked at the horses, asked the drivers

some questions, and told them to go along. Q. Pro-

bably asked him where he was going? A. Not that

I am aware of. Q. Whether a short trip or a long

trip? A. I don't know. Q. You don't know what

he asked him? A. No, sir. Q. But at all events

your driver gave some answers that extricated him

from Mr. Bergh's inquiries? A. My driver told

him the facts. Q. All of your packages are mana- 2902

geable by hand, are they not? A. Perfectly so, as a

rule. Q. You can drive along side a curb, and unload

them by hand, can't, you, very readily? A. Yes,

sir. Q. So that, so far as you are concerned, if your

men choose to turn their tails to the curb and stand

across the street, it is a mere matter of convenience?

A. That is all. Q. How did you come down town

this morning? A. Came down in the Sixth Avenue

horse-car. Q. How do you go up at night? A.

Usually the same way. Q. Meet any obstruction

this morning? A. Not that I am aware of. Q. Any

last night—the last travelling night. A. No, sir.

Q. You didn't meet any? A. Not that I remember,

not that I am aware of. Q. Generally make the

trip very easily and regularly? A. Very comfortably;

yes, sir. Q. And you are aware that the Sixth

Avenue road goes through crowded streets? A. I am.

Q. Crowded with trucks and all sorts of vehicles?

- 2903 A. Yes, sir. Q. And you travel at very busy hours, do you not? A. I don't know that I do particularly busy hours. Q. Is there any more busy or crowded street that you know of than West Broadway? A. I don't know that there is. Q. If these blocks and stoppages, that you anticipate in Broadway are sure to occur there, why don't they occur in West Broadway all the time? A. I am not in West Broadway through the middle of the day very often, and I don't know but what they do. Q. Do you know how many lines of cars traverse West Broadway? A. I suppose there must be half a dozen. Q. Are there not two or three of these enormous wholesale houses that exist upon—occupying the street in West Broadway? A. There are some wholesale
- 2904 houses there, I don't know what they require—
Q. Don't they, as a matter of fact, infest that street; A. Well, I don't consider that a wholesale house infests a street; I don't think that there is anything particularly bad about a wholesale house. Q. Nor do I, but I was speaking about their trucks. A. I don't think that a truck in the City of New York is infesting a street; I think there are other things that infest the streets worse than trucks. Q. You think then that Broadway should be exclusively devoted to traffic by trucks? A. No, sir. Q. Or principally? A. No, sir; I don't think it should be principally trucks.

By Mr. Beaman :

- 2905 Q. Why do you think trucks are a necessity in the City of New York? A. To do its business. Q. What time do you generally go down town in the Sixth Avenue cars? A. Usually half past seven in the morning. Q. What time do you usually go up? A. Generally six o'clock. Q. Who owns your horses? A. I own them. Q. How many have you got? A. Eight. Q. How long have you had these horses? A. Well, I have had one of them about sixteen years. Q. And the others? A. The others range along—I have had them all the way from one to seven or eight years. Q. You don't ever overload them if you know it? A. They cost too much money to overload them. Q. Are they in good condition now? A. There are no better in New York. Q. And they are upon a railroad of some shape every day? A. Oh, they cross railroad tracks every day, no doubt.

By Mr. Fuller :

2906

Q. Mr. Millar, how many horses do you drive in your trucks? A. We drive one three-horse truck, and we drive two trucks with two horses each. Q. When you take this six or seven ton, you drive your three horses? A. Yes, sir. Q. Do you mean to say that you take any lighter loads on account of the railroads? A. I mean to say that if they were going into a locality where railroads were very thick we would take a lighter load; for instance, we deliver a good many goods to the Great American Tea Company, corner of Vesey and Church Street; when we are going there we don't load our trucks to the full capacity because there is such a net-work of car-tracks there that you are liable to get into the tracks and get caught. Q. Do you think one per cent. of that six or eight tons would make any difference? A. As I stated in the first place, these little one, two and five per cents make up the cost of business in the City of New York, and I state that that would place one more straw on the camel's back. Q. Do you think you would have necessarily to put up the price of paper if there was a railroad in Broadway? A. I should if I could, but I don't think I could. Q. Then you don't think it would affect the price of paper? A. I don't think it would at present, no, sir.

2907

FRANCIS B. THURBER, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

2908

By Mr. Beaman :

Q. Of which firm are you a member? A. Thurber, Whyland & Co., grocers. Q. What was the former name of your firm? A. H. K. & F. B. Thurber & Co. Q. Do you live in New York City? A. Yes, sir; I do. Q. Whereabouts? A. 49 West Twenty-fifth Street. Q. How long have you been a resident of the city? A. About thirty years. Q. How long have you been in business in the City of New York? A. About twenty-five years. Q. Always in the wholesale grocery business? A. Well, for the last twenty-one years I have been in the wholesale grocery business. Q. Where is your principal place of business located? A. Corner of West Broadway and Reade

2909 Street. Q. Occupying a block there? A. No, sir; we occupy a portion of a block. Q. Bounded by what streets, Mr. Thurber? A. West Broadway, Reade Street and Hudson Street.

Q. What other warehouse have you in the City of New York? A. Well, we have a factory and storehouse in Thomas Street, and we store goods all around. Q. Is your business largely the selling of groceries to houses outside of the City of New York? A. Yes, sir; both outside and inside. Q. Do you deal both in foreign and domestic groceries? A. Yes, sir. Q. Do you truck your own goods and own your own trucks? A. Yes, sir. Q. Are you familiar with the general use that is made of Broadway, Mr. Thurber, for the transportation of goods and passengers between Fourteenth Street and the Battery? A. In a general way I think I am, sir. Q. Please state what, in your opinion, would be the effect upon the general public interest of the City of New York if there was a double-track horse railroad on Broadway, extending from the Battery to Fourteenth Street, with a line of cars on either track running in the usual way, up and down, at intervals of a minute from each other, and suppose also that at the same time the omnibuses had been withdrawn? A. Well, sir, as a rule, traffic follows the line of least resistance, and the carmen naturally seek those streets where they can go easiest; the reason why they go in Broadway so much at present is that it is free from car-tracks, and a convenient, well-paved street; our carmen instinctively avoid streets that have railroad tracks in them, because it strains their horses and they are more liable to breakdowns and accidents; the question of a railroad in Broadway, I think, should be decided on the weight of evidence as to whether it was necessary—most necessary for one class of the community or for the whole; I believe that railroads present some advantages, but on the other hand there are disadvantages, and it seems to me that we have now arrived at a point where we have so many railroads in the streets of New York that we should hesitate, and have it made very plain that it was necessary to put a railroad in Broadway before we did so; my own opinion is that it would be a serious detriment to general business to have a railroad in Broadway; and while some property-owners may be in favor of it, there is a question whether the

whole population of the city have not also some in- 2912
 terest in the thing which would have some consid-
 eration and bearing ; I think that there are things
 to be said on both sides, but I believe the weight of
 evidence is decidedly against a railroad in Broad-
 way. Q. Then, in your opinion, it should not be
 built ? A. No, sir ; if I had power to say whether
 it should or should not be built, I should say it
 should not.

Cross-examination by Mr. Bright:

Q. Do you think that the resistance offered by a
 railroad tends in some degree to increase the ex-
 pense of doing business ? A. Yes, I think it does,
 in that it—— Q. I only ask your opinion, without
 a fuller answer ; is your opposition now based as a 2913
 business man, upon that consideration ? A. As to
 my own individual interest, do you mean ? Q. Yes,
 your individual interest and what you suppose to
 be the individual interests of merchants similarly
 situated ? A. Yes, I should say that it was,
 and—— Q. No, no ; that is the consideration with
 you ? A. Yes, sir. Q. You say that you think
 that the general public have a voice ; leaving out of
 view these classes that you represent, whose ex-
 penses may be increased by the resistance offered by
 a railroad, what interest do you conceive that the
 general public has opposed to the construction of a
 railroad in Broadway ? A. I should consider it was
 a question as to whether the general public desired 2914
 it, and whether that should overbalance the other.

Q. Then it would resolve itself to this, as far as
 the general public is concerned, and as far as any
 considerations are concerned besides these consider-
 ations that affect the expense of transacting busi-
 ness, it comes to the inquiry whether a railroad is
 needed for the convenience of passengers and trans-
 portation ? A. Yes, sir, and the general welfare.
 Q. Very well ; now, then, how would you go to
 work to satisfy your mind upon the question that
 the general public need, or do not need, this new
 facility, leaving out of view all the business consid-
 erations that you have referred to ? A. Well, as to
 whether there had been a sufficient manifestation of
 public desire for a railroad. Q. Would that be
 your only ground of inquiry ? A. Well, I don't
 know, sir. Q. You would simply ascertain if a
 public demand existed ? A. Yes, sir ; I should

- 2915 think that would be. Q. Would not the population, present and prospective, enter into your view? A. Yes, I should consider that that was one point. Q. What would be a very important element, wouldn't it? A. I think it would, sir. Q. The probability of rapid increase in population, would that also enter into your view? A. Be one condition, sir. Q. Do you think, as a matter of fact, that the population of New York has increased very rapidly and will increase very rapidly for years to come? A. Yes, sir, I have no doubt of that. Q. You have no doubt of that? A. No, sir. Q. Do you think that the travelling public have sufficient facilities for transportation in New York—in the lower part of New York—that is, below Fourteenth
- 2916 Street, at this moment; leave out of view business considerations, sir? A. I do, and very far in advance of the present requirements. Q. What evidences of that are there to your mind? A. General evidence of the travel upon these roads; they have much larger capacity than they are now taxed to carry. Q. Where do you yourself reside? A. In Twenty-fifth Street, near Sixth Avenue. Q. How do you come down town? A. Usually by the elevated road. Q. At what hour of the morning do you come down? A. Usually between eight and nine, and return at about six at night. Q. What is the condition of the cars when you come down and when you go up? A. Well, some of the cars are full, and many are not. Q. Do you ever have to
- 2917 stand up? A. Sometimes. Q. Frequently? A. Not very frequently; I do sometimes. Q. Where do you take the cars when you go up? A. At the corner of Chambers Street and West Broadway. Q. Can you remember an occasion during the past Winter when you went up town in the neighborhood of six o'clock, when the cars were not more than full? A. Well, I think just at six they are usually full. Q. I speak of the time you go; can you remember the occasion when they were not crowded? A. Yes, sir, frequently, but it is generally a little after six. Q. Can you remember an occasion coming down town, between eight and nine o'clock in the morning, taking the elevated cars at Twenty-third Street when they were not crowded? A. Yes, sir, often; when you get a full train you sometimes have to stand up, but if you get a train that is not full, why, there are plenty of seats to accommodate

you. Q. What is the condition of the Sixth Ave-2918
nue surface cars? A. I don't know as much about
them of late as I did some years ago before the ele-
vated road was opened. Q. You know something
about the cars that pass your place of business in
West Broadway, don't you? A. Well, from occa-
sionally seeing them, perhaps.

Q. Are they comparatively crowded with pas-
sengers, as a rule? A. What I would consider very
fairly patronized. Q. Have you stated all the
reasons that make you think there is no public ne-
cessity, outside of business considerations, for in-
creased transportation in New York? A. Well, all
that has occurred to me at the present time. Q.
Do you like the stages for means of conveyance? A.
They serve a useful purpose. Q. Do you like them 2919
as a means of conveyance as well as cars? A. I
frequently ride in them, but I prefer the Elevated,
because it is faster. Q. Do you like the stages as a
means of conveyance? A. I think that I like them
as well as I do horse-cars. Q. What is the condi-
tion of the stages on such a day as this? A. They
are generally fuller when it is rainy weather, sir. Q.
Are they not packed and crammed? A. I presume
they are. Q. Isn't it also true that the stages every
day, during the middle of the day, are very full in
the lower part of the town? A. I have seen them
frequently full when I have been wanting to use
them. Q. Hasn't it been your observation that they
are very apt to be full? A. I think since the fare
has been reduced, that is true? Q. That has been 2920
so for a number of years, hasn't it? A. Yes, sir.
Q. There is certainly, during the busy hours of the
day, a number of people desiring to travel in Broad-
way, who do not find proper accommodation, isn't
that so? A. Well, I don't know that, sir. Q. Do
you think it is proper accommodation to stand up in
a stage? A. Within a few days I had occasion to
go up Broadway, and I waited until a stage came
along that wasn't full; the first stage that came
along I found was full, and in the next one I found
a place to sit down, and I took it. Q. Does your
observation of stages lead you to believe that there
is a large portion of the general public who desire
transportation in Broadway particularly? A. Well,
sir, of course, there are a certain proportion of the
community that do; I could not say to what extent;
I think the present facilities, as far as Broadway is

- 2921 concerned, answer every purpose. Q. Do your trucks travel in Broadway? A. Yes, sir. Q. You prefer them to do so, for the reasons that you have stated? A. They naturally take that route in many cases, for the reasons stated. Q. Your store is where? A. Corner of West Broadway and Reade Street. Q. It was built there by your house, wasn't it? A. Yes, sir. Q. By your firm? A. Yes, sir. Q. Was a railroad existing there when you went there? A. There was. Q. That did not deter you from establishing your house there? A. No, sir. Q. And that is a street in which a considerable number of lines run? A. On the West Broadway side, sir; yes. Q. You have been able to transact a very large business there for some time? A. Yes, sir; but on
- 2922 the West Broadway side it has always been with a great deal of trouble. Q. You have no roadway running into your premises? A. No, sir. Q. Isn't there a railroad on two sides of your building? A. No, sir. Q. Wasn't there when you started? A. Well, I think there was an old track of the Hudson River Railroad running down there when they had their station in Chambers Street, that remained there, but that has not been used from the time we went there. Q. Then for a long time you could not get away from your place without crossing and traversing railroad tracks? A. I really could not say; it is so long ago that those tracks were put out of the way that I don't remember just when it was.
- Q. How old is that place of business? A. It is
- 2923 about ten years old. Q. The senior member of that firm has been sufficiently prosperous there to retire from business? A. I don't know whether he retired on that account or not. Q. The railroad has not interfered with you apparently? A. I don't say that a railroad is an impassable barrier to a man doing business in New York. Q. It is practically a mere question of preference on the part of the truckmen, and the possible consideration of a slight extra expense? Isn't that about all there is of it? A. Well, I think it is the matters that I have described. Q. Just answer that; is there anything in it more than the idea that there is possibly a little extra expense, as stated by Mr. Millar, and the idea that your drivers naturally prefer to go in a free street? Isn't that all there is of it? A. I think it is the combination of those considerations. Q. You don't think that commerce, so far as it is

transacted in trucks, has any right to which the 2924
 general public ought to yield? A. No, sir; I think
 that each has its rights, and it is a question of the
 weight of evidence. Q. Do you think that any
 business that is transacted in trucks has a right to
 occupy for its own exclusive use a sidewalk, so as
 to render it useless to the public? A. No, sir; I
 don't. Q. Does your house do that on three sides
 of it? A. No, sir; we are doing business at the
 present time under the direction of The Bureau of
 Encumbrances— Q. No, no; answer my ques-
 tion; I don't want to know what permit you suc-
 ceeded in getting; do you not, in your daily busi-
 ness occupy the sidewalk upon the east and south
 of your building, to such an extent as to exclude
 pedestrians? A. No, sir; we don't do it; we were 2925
 crowded on to the sidewalk by the railroad track
 in West Broadway; on the Hudson Street side we
 do not occupy the sidewalk; we back up and put
 our skids across; it is a question of either having
 to put the skids across the walk, or to drive on the
 walk, and on the West Broadway side, if we back
 the trucks up it would obstruct the street, and the
 skids across the walk would equally obstruct the
 sidewalk; and, therefore, under the direction of
 the authorities we drive on the sidewalk on West
 Broadway, for the purpose of leaving the street
 clear so that vehicles can pass. Q. In doing that
 you render the sidewalk useless to pedestrians? A.
 No, sir; because it is a very wide sidewalk, and
 they can pass both on the outside and on the in- 2926
 side. Q. How far is the track from the sidewalk?
 A. I don't know just how many feet; but one of these
 large two-horse sugar trucks, will fill up the space
 between the curb and the track pretty well so that
 a vehicle cannot pass. Q. But the cars can pass?
 A. Yes, sir; the cars can pass. Q. And of course a
 vehicle could pass around in front of your truck
 when the car had passed, or before it had reached
 the point of your horses? A. Yes, sir. Q. That
 is a kind of accommodation that is practiced daily
 in every street, is it not? A. Yes, sir, to a large
 extent. Q. And it is only the enormous sugar
 trucks of yours that produce that obstruction? A.
 Those trucks that I allude to belong to the sugar re-
 finers; they are not our trucks. Q. If they chose
 to stand along side of the curb, then there would be
 plenty of room, would there not? A. There would

2927 be no—that would of course leave more room, but there would not be room enough ordinarily to pass between the cars as they pass and these trucks.

Q. Could not another truck pass between your truck and the car? A. I doubt if a large truck could. Q. Ordinary vehicles could? A. I think they could if they went slowly; I think there would be room if they went carefully. Q. When you speak of the railroad crowding you off, I understand that you have already said you went there when they were there? A. Yes, sir. Q. And the simple amount of it is that you found that you wanted more of the public space than the public thought you ought to have? A. No, sir. Q. What is it then?

A. We formerly were in a street, Chambers Street, 2928 where there was a large traffic passing up and down, and where, in order to handle the heavy goods which we deal in, we had to have our skids across the walk nearly all the time, and we were unquestionably a great nuisance to the traveling public; that was one consideration which led us to getting this site, so as to get where there was more room around the store than there was in Chambers Street. Q. You have a great deal of room there? A. Yes, sir. Q. A very large establishment? A. Yes, sir; a large store. Q. Won't you give the public some reason why you did not build a roadway right into your premises? A. Well, for one reason, it, in fact, never occurred to us in the first place. Q. It would have cost something in the second place, wouldn't it?

2929 A. It might, but the quantity of the business, nor a tenth part of it, could not have been transacted by having a roadway in the store; you could only drive in, perhaps, two or three trucks at a time, and they would all have to go out before another set could come in. Q. If you drove in one street and out at the other, you would have greater convenience? A. We receive the goods on one side and deliver at the other. Q. Don't answer this question if it is one that is not proper, in your opinion, to answer; have you any objection to state what the annual amount of your sales is; now, I don't ask that to pry into your private matters? A. It is no private matter, but it has been as high as nineteen millions, and it is now about twelve millions. Q. So that in this matter of providing yourself with suitable facilities it is no want of resources that you would assign as a reason for encroaching upon the public? A. It is

very largely a question of room ; if we had the whole block we could not do the business that we now do if it had to be all done inside of the walls.

Q. I don't know how far that is any argument ? A. I don't advance it as such to the question at issue.

Q. You would hardly say that the necessities of your business should do away with the railroad lines in West Broadway ? A. No, sir ; I should say that the railroad lines should not do away with the necessities of our business either ; both have their rights.

Q. How is your sidewalk paved ? A. It is paved with these large granite blocks. Q. Belgian pavement, isn't it ? A. No, sir ; not at all. Q. Isn't it similar to Broadway ? A. No, sir ; it is these large granite blocks such as we see along the walk, a foot thick or more.

Q. I suppose it is your idea, that in your business enormous loads save expense ? A. Well, I don't know as to the enormous loads ; they, of course, carry heavy loads. Q. The heavier the load the greater the saving, you think, don't you ? A. Not always ; no, sir.

Q. Provided it doesn't break your truck ? A. Well, there is a happy medium, if you can so term it, where it is not too much for the horses, and where we can get along.

Q. How many loads do your trucks ever carry ? A. I don't know the weight of them ; our two-horse trucks I would say carried probably three tons or more.

Q. How many hogsheads of molasses does one truck ever carry ? A. Four, I think, is an ordinary load of hogsheads of molasses, and perhaps sometimes five ; I am not certain ; I have seen four or five on a truck.

Q. Do you use the sidewalk to some extent for storing your goods ? A. No, sir ; we do not.

Q. Do your goods ever stand there in massed piles ? A. Inside of the stoop line we generally have a row of hogsheads for exhibition, of molasses and syrup, so that salesmen can go and show them from the hogsheads ; we don't use the sidewalk for storage purposes.

Q. That is outside of the line of your property, is it not ? A. It is within the stoop line, but it is outside of the walls. Q. It is outside of the line fixed by your deed ? A. I think so ; yes, sir.

Q. So really, this contention of yours is for the occupation for your own purposes of the highway in which the public have an equal interest and right with yourself ? A. Not at all, sir.

2933 *By Mr. Beaman :*

Q. If your trucks carry less loads, or smaller loads, Mr. Thurber, there would have to be more trucks to do the business, wouldn't there? A. Yes, sir. Q. So far as you are occupying any of the premises where your store is, you are occupying them with what you know to be the consent of the public authorities, are you not? A. Yes, sir; we have a permit for that purpose. Q. This plot of land that you occupy is a plot of land forming, as it were, the end of a block? A. Yes, sir. Q. And having very little foot travel in that vicinity except such as comes to you and from your business? A. Well, a great deal, but not nearly so much as there was in Chambers Street.

2934

By Mr. Fuller :

Q. You back up your horses to the platform in front of your store in order to give carriages in the street the whole street? A. Yes, sir. Q. And you also accommodate pedestrians on the sidewalk, don't you? that is, your object in backing is not to obstruct the street? A. Our object is to obstruct the street as little as possible, and to obstruct the sidewalk for pedestrians as little as possible, and being able to do the business. Q. You obstruct the street less by backing your trucks over the sidewalk than by putting skids across? A. Yes, sir; but I say that before we went into this store we had the city authorities make a survey of the premises and prescribe in what way the business should be done, and we have since conformed to the manner in which they prescribed it; and it is done, I think, as well as it can be; if anybody can show where the business can be done with any less trouble to the pedestrian public I am sure we would be very glad to accommodate ourselves to such pedestrians. Q. I agree with you that you do your business with as little obstruction as is possible under the circumstances; now, in regard to a railroad on Broadway, you are a public spirited man—don't you think the majority of the property-owners on Broadway want a railroad, they believing that they are losing their business, and don't you think that they should have it? A. Not if it interfered too much with the welfare of the city.

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Q. Do you think a railroad on Broadway would

interfere with the general welfare? A. That is my impression, sir. Q. You think the stages, then, are more desirable than nice cars? A. I think we ought to have at least one street free from railroad tracks. Q. And that should be the main street leading from the Battery to the upper end of the island? A. Yes; that seems to me appropriate. Q. Then, you wouldn't have regard enough for the business interests of the property-owners to give them a railroad, if they wanted it, they believing that they are losing their trade? A. That would be a question, as I said before, of the weight of evidence; the property-owners might overbalance the general public, or the general public might overbalance the property-owners; if a railroad comes, I think it would be proper to put down tracks such as I saw in Europe, and that is to sink them flush with the pavement, and not have them so that they rack apart everything when the vehicles pass over them. Q. Such a track, don't you think with the consent of the property-owners would be desirable? A. I think if the property-owners wanted such a track as that that it would be their interest—that their interest there would certainly be above that of the general public; but, on the other hand, the character of the track has a great deal to do with the weight of evidence; these raised tracks are a serious objection. Q. But with the flat rail, such as they do desire, and I know it to be their choice, I think it would be a public benefit, and you think so too, don't you? A. That I don't know, sir; I think, as I said, we ought to have one street free from railroad tracks. Q. Don't you think the interests of property-owners should be considered first, if they could get the track they desire in Broadway? A. I think if the interests of the property-owners did not conflict too much with the general interests, they certainly ought to be considered. Q. You do the largest grocery business in the City of New York? A. Yes, sir; I think so. Q. And there is a railroad in front of your place, and you land all your heavy goods on West Broadway? A. Yes; we receive our goods, quite some there, and they have to drive on the sidewalk for that purpose. Q. There is one more question, and I hope you will consider it carefully before you answer it; can you get a seat in the elevated railroad cars, or in the surface cars, at Chambers Street any time after five o'clock

2933 *By Mr. Beaman :*

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Q. Do you think a railroad on Broadway would

interfere with the general welfare? A. That is my impression, sir. Q. You think the stages, then, are more desirable than nice cars? A. I think we ought to have at least one street free from railroad tracks. Q. And that should be the main street leading from the Battery to the upper end of the island? A. Yes; that seems to me appropriate. Q. Then, you wouldn't have regard enough for the business interests of the property-owners to give them a railroad, if they wanted it, they believing that they are losing their trade? A. That would be a question, as I said before, of the weight of evidence; the property-owners might overbalance the general public, or the general public might overbalance the property-owners; if a railroad comes, I think it would be proper to put down tracks such as I saw in Europe, and that is to sink them flush with the pavement, and not have them so that they rack apart everything when the vehicles pass over them. Q. Such a track, don't you think with the consent of the property-owners would be desirable? A. I think if the property-owners wanted such a track as that that it would be their interest—that their interest there would certainly be above that of the general public; but, on the other hand, the character of the track has a great deal to do with the weight of evidence; these raised tracks are a serious objection. Q. But with the flat rail, such as they do desire, and I know it to be their choice, I think it would be a public benefit, and you think so too, don't you? A. That I don't know, sir; I think, as I said, we ought to have one street free from railroad tracks. Q. Don't you think the interests of property-owners should be considered first, if they could get the track they desire in Broadway? A. I think if the interests of the property-owners did not conflict too much with the general interests, they certainly ought to be considered. Q. You do the largest grocery business in the City of New York? A. Yes, sir; I think so. Q. And there is a railroad in front of your place, and you land all your heavy goods on West Broadway? A. Yes; we receive our goods, quite some there, and they have to drive on the sidewalk for that purpose. Q. There is one more question, and I hope you will consider it carefully before you answer it; can you get a seat in the elevated railroad cars, or in the surface cars, at Chambers Street any time after five o'clock

2939 up to seven o'clock—Chambers Street at your store?
A. Yes, sir; I frequently go quarter past six and I get a seat.

Q. In what line? A. The elevated road. Q. What, at Chambers Street? A. Yes, sir. Q. I have tried ten successive nights at half-past five and I could not get one at Park Place. A. I think between half-past five and six o'clock it is the most crowded time. Q. Do you think that you could get a seat one time in ten at Chambers Street in an elevated railroad from five to seven? A. Yes, if you waited until half-past six I should say emphatically that you can; I don't think you could from half-past five to six. Q. You could not get a seat? A. No, sir; I don't think you could ordinarily. Q. If you wanted to go to

2949 One Hundred and Fifty-fifth Street, don't you consider it would be a great nuisance to stand up in the elevated cars from Chambers Street to One Hundred and Fifty-fifth Street? A. I should say that from Fourteenth Street to Twenty-third Street you could generally get a seat. Q. On Saturday night I stood to One Hundred and Fifty-fifth Street, and there were fifty people standing in the car at One Hundred and Twenty-fifth Street.

Mr. Beaman: You are not on the stand just now.

Q. Then you don't consider that increased facilities are necessary from the upper end to the lower end of the island? A. No, sir, I don't; I think we have plenty at present and for a considerable time to come.

2941

By Mr. Bright:

Q. Mr. Thurber, you speak of the advantages of a rail flush with the pavement? A. Yes, sir. Q. Do you think that a rail so laid would obviate most of the difficulties that you have experienced against railroads in the streets? A. It would to a large extent. Q. And if you knew that this surface railroad contemplated precisely such a rail, your opposition to it would to a large extent diminish? A. It would, sir. Q. And it is your judgment that a rail flush with the pavement would afford very little resistance to the ordinary traffic of trucks and vehicles? A. Well, I have noticed in Liverpool and London and Paris, wherever they have these tramways there, that they don't offer nearly the same objections that our American roads do; and while they are disliked, I am told, by the cabmen, because their horses slip, &c.,

sometimes, yet it seems to me that the objections are 2942
 very much less to those tracks than to any in New
 York, and I believe if I were interested in a horse
 railroad in New York I should advocate the replac-
 ing of the existing rails with rails of a proper pat-
 tern; and certainly if gentlemen who are so inter-
 ested will go over to the other side and see how they
 get along there, and carry just as heavy loads as we
 carry here, I believe that they would, in pursuance
 of their own interests, abate that part of the nuis-
 ance.

THOMAS BEATTY, called as a witness on behalf of
 Messrs. Boreel and the Board of Trade and Trans-
 portation, being duly sworn, testified as follows: 2943

By Mr. Evarts:

Q. Mr. Beatty, how old are you? A. I was born
 the 25th of September, 1829. Q. You are a mem-
 ber of the police force of this city? A. Yes, sir.
 Q. To what precinct do you belong? A. The
 Twenty-fifth. Q. Are the members of the Twenty-
 fifth Precinct commonly known as "The Broadway
 Squad?" A. Yes, sir. Q. Of what do their duties
 consist? A. To regulate the street, to see that peo-
 ple get across safe back and forth, and that drivers
 drive properly. Q. And they are all stationed on
 Broadway? A. Yes, sir. Q. From what point to
 what point? A. From Bowling Green to Thirty- 2944
 fourth Street. Q. About what time was this Twenty-
 fifth Precinct organized? A. It was organized in
 1858. Q. How far up on Broadway, or between
 what points on Broadway, did the men then cover?
 A. They covered from Bowling Green to Canal
 Street? Q. With how many men? A. At first ten
 men. Q. It now covers up to Thirty-fourth Street?
 A. Yes, sir, up to Thirty-fourth Street. Q. And
 what is your quota of men in your precinct?
 A. About forty men. Q. How long have you been
 a member of the police force, Mr. Beatty? A. I
 was appointed June, 1857. Q. How long have you
 been a member of the Twenty-fifth Precinct—at-
 tached to the Twenty-fifth Precinct? A. Twenty-
 one years last November. Q. Where have you been
 stationed during these twenty-one years? A. Between
 this building and Canal Street, with the exception

2945 of a day or two at a time, but all would not probably amount to two months. Q. And where is your station now? A. I take from Reade to Franklin, principal place on Worth Street. Q. Is Worth Street about the centre of your station? A. Yes, Worth Street. Q. Since you have been a member of the Broadway Squad, Mr. Beatty, what increase in the traffic on Broadway has there been in your opinion? A. On the street? Q. Yes, sir. A. Well, I guess it must have been doubled or more. Q. How does the traffic on Broadway, at the present time or since the holidays, compare with what it generally is at this time of the year? A. The past two months and a half has
 2946 been the dul'est Winter we have ever had since I have been on Broadway—say in December, January and so far in this month. Q. Fewer vehicles on Broadway since the holidays? A. Yes, sir. Q. Than you have ever seen at this time of the year, is that it? A. Yes, sir. Q. How does the traffic at this time of the year generally compare with that at other seasons of the year, in the Spring and Fall? A. This year? Q. This time of the year generally; how does the volume of traffic compare with that in the Spring? A. Broadway has always been crowded in December, January and February up to the Spring, but this is the only Winter that I can recollect when we have had so little snow and so
 2947 good travel all over the city.

Q. To what extent is Broadway used by wheeled vehicles going up and down this island? A. To what extent? Q. To what extent is Broadway used, as compared with other streets? A. Oh, a great deal more; in the daytime I have very little experience with other streets; as I say, for the past twenty-one years I have been here every day, excepting Sundays, so that I travel other streets very little. Q. What effect upon the travel in Broadway would it have, in your opinion, to put a horse railroad track—a double horse railroad track—from the Battery to Fourteenth Street, and run cars thereon in the ordinary way? A. Well, with the amount of trucks and stages we have on it now in busy seasons below Canal Street—I am not familiar above—I do not see how we would get along. Q. Why would it be difficult to get along, in your opinion? A. Be-

cause we could not get trucks out of the way of the 2948
cars. Q. Why wouldn't you be able to? A. Have
no place to put them. Q. No place for the trucks or
cars, which? A. I will give you my reasons; sup-
pose a man has a heavy load—two, or three, or four
tons—on a truck on the track, and a car after him
wants to get past; I sing out to that man to get out
of the way, and he says, "I have not got any
room;" I cannot haul one side, because the trucks
are on the side—wagons, &c.—and I cannot compel
him, until he gets a proper place, to haul off, so that
he won't get stuck. Q. In your opinion, would the
fact that the cars would be confined to a straight
line on the rails make it more difficult for the traffic
to move along on Broadway? A. Yes, in my neigh- 2949
borhood here, where I am familiar; yes, sir; be-
tween Chambers Street and Canal Street. Q. Is
there any line of railroad on Broadway, to the ex-
tent—there is a line, isn't there, just above here,
near Canal Street? A. There is a line that comes
out of Lispenard Street; that turns around into
Canal Street. Q. That is above your district? A.
Yes; that I do not have much to do with. Q. Do
you have occasion to clear Broadway of its vehicles
for the use of the apparatus of the Fire Depart-
ment? A. Yes, sir. Q. Is that part of your du-
ties? A. Yes, sir; most particularly. Q. And how
is that accomplished? how is that done? A. Well,
as soon as I see the engine—they generally ring the 2950
bell—I jump into the street the way they are going,
and get the teams out of the way as quickly as pos-
sible. Q. Do you think you could do that if horse-
cars were running on Broadway? A. Could with
the wagons, but you could not with the cars? Q.
Where would you put the wagons? A. Get them
out of the way; get them better out of the way than
you could the cars. Q. Could you clear the centre
of the street for the use of the Fire Department ap-
paratus? A. You could clear the side coming down,
and you could clear the side going up; always clear
the right as much as possible, but you can't do it all
the time. Q. Could it be done as expeditiously and
as satisfactorily as it can be done to-day? A. I do
not see how it could.

By Mr. Scribner :

Q. Officer, you say you have been on Broadway

- 2951 since 1858, have you? A. No, sir. Q. How long have you been on Broadway? A. Twenty-one years last November; I was in the precinct five years and a half previous to that. Q. You have been familiar with Broadway and its traffic for how long? A. Twenty-one years. Q. Only that? A. Yes, sir. Q. Only for twenty-one years? A. Yes. Q. Were you not the previous five years? A. I was on this side of town—this precinct. Q. Don't you know that blockades in Broadway were very much more frequent twenty years ago than they are now? A. No, sir. Q. Twenty years ago were there a good many more stages running on Broadway than there are now? A. Yes, sir; eleven lines running then. Q. After the introduction of the Broadway and
- 2952 Seventh Avenue Railroad line, many of those lines of stages were withdrawn from Broadway were they not? A. All but three. Q. The withdrawal of those stages tended to facilitate travel on Broadway, didn't it? A. Yes, sir. Q. It did? A. Yes, sir; if they were here now and the amount of business here now— Q. I understand that; but the withdrawal of the stages of the Consolidated Stage Line—didn't that facilitate travel on Broadway? A. Certainly, sir. Q. And from that time down to the present the blocks on Broadway have been much less frequent than they were before? A. No, sir; they were not, excepting this Winter. Q. Don't you know, officer, that it's a very uncommon thing to have Broadway blocked up for any considerable
- 2953 time now? A. Well, how long since? Q. Within the last twenty years? A. No, sir; I beg your pardon. Q. Were you ever stationed on Broadway between Chambers Street and Wall Street? A. Chambers and Wall Streets? Q. Yes, sir. A. For a day at a time? Q. Twenty years ago wasn't it a common thing for there to be blockades lasting sometimes for half an hour, and sometimes longer, between Chambers Street and Wall Street? A. Yes, sir; sometimes for four hours; I have not got any dinner all day. Q. When have you had such a blockade all day? A. Well, we have not seen a Winter—January, December and February—since I have been on it, that we have not had the street blocked until this present one. Q. What I want to get at, weren't such blockades there much more frequent when the stages of the Consolidated Stage Line were running, than now? A. On the lower end, yes, sir. Q. Very

much more? A. Yes, sir. Q. You have stated that 2954
 if a railroad was to be constructed on Broadway,
 with all the stages and trucks now occupy-
 ing the street, that now occupy it, that you
 think it would be difficult to operate such a
 road? A. Yes, sir; I do. Q. Do you know
 how many stages there are now running on Broad-
 way? A. No, I do not; there are three lines. Q.
 Don't they run seventy stages apiece? A. I cannot
 say; I never made any inquiry; I do not know how
 many stages they run. Q. If all of these stages
 that are now running on Broadway—these three
 lines now occupying the street—were withdrawn, do
 you think that would facilitate travel on Broadway?
 A. Certainly. 2955

Q. Do you think that if there are now two hun-
 dred and ten stages running on Broadway and they
 were all withdrawn and only fifty cars substituted—
 you think that would facilitate travel on Broadway?
 A. Well, to a certain extent. Q. Don't you think
 that fifty cars running between Fourteenth Street
 and the Battery would be very much less of an ob-
 struction than two hundred and ten stages? A. No,
 sir. Q. Do you imagine that one car would be more
 of an obstruction to the street than three stages?
 A. Sometimes it would be more obstruction than
 ten stages, because I can put a stage out of the way
 and a car I could not. Q. For the purposes of the 2956
 general traffic—the general purposes of Broadway
 —do you think that one car would operate as an ob-
 struction equal to three stages? A. Well, under-
 stand me; I mean in busy seasons we could not get
 a car through at all, probably for a length of time.
 Q. Please answer my question; do you think for
 ordinary purposes in Broadway that one car would
 equal as an obstruction three stages? A. Well, in
 the busy season it would, yes, because it would
 block up the street. Q. Would it equal four stages?
 A. As I say, it would equal ten stages, when the
 street would be blocked, because we could not get
 it out of the way and we could not make an open- 2957
 ing. Q. Your objection then is that a car is on a
 fixed line? A. That is it, yes, sir, that is it; do not
 understand me that I have any personal objection
 to cars at all. Q. Oh, no, sir, I am going to make
 you the best friend of this railroad, that is going.
 You think that a railroad on Broadway would fa-

2958 cilitate passenger traffic, don't you? You think that pedestrians that desired to ride would find a great deal better accommodation in the street cars than they do in the stages? A. If they could get along, yes. Q. There is no doubt about that, is there? A. I do not see any doubt about that. Q. You see the stages going along such a day as this, on Broadway, and you see them crowded with passengers, don't you? A. Well, not to-day. Q. Have you noticed? A. Yes, sir. Q. Ain't they crowded with passengers? A. No, sir. Q. Don't you see them with passengers standing up? A. No, sir. Q. Isn't it a common thing to see an omnibus in the middle of the day crowded with passengers, every seat full, and the aisle filled with passengers standing up?

2959 A. Yes, sir. Q. That indicates that there are not enough public vehicles on Broadway, don't it? A. Certainly. Q. It indicates to your mind that if a railroad could be operated on Broadway that the general public advantage will be very much subserved on Broadway? A. Yes, if they could operate. Q. If it can be operated? A. Yes, sir. Q. We will come down to the question of operation. Do you know what width Broadway is from curb to curb? I do not mean the legal lines of the street, but from curb to curb? A. Well, I know that you can run two lines of vehicles down and two up. Q. Two lines of vehicles down and two up? A. Yes, sir.

2960 Q. Suppose that a double railroad track is laid in the centre of the street, and that there is room on either side for vehicles to pass up and down, would you say then that there would be any difficulty in operating a railroad? A. But there is the block I am speaking of, in busy seasons; there is not a block from here to Canal Street but what there is trucks and wagons loading and unloading. Q. Just listen to my question; suppose that a railroad track is so constructed that it occupies fifteen feet in the middle of the street, and suppose the street to be forty-five feet wide from curb to curb, that leaves fifteen feet on either side, don't it? A. Yes, sir. Q. There is plenty of room for any sort of a vehicle to pass up and down, is there not? A. Yes, sir. Q. Then when the car is on the track, if there is a vehicle backed up, the car can go by it? A. Yes. Q.

Where are the blocks that you say that are in the ²⁹⁶¹ habit of occurring on Broadway, where do they happen? A. Well, all the way around, principally between—well, sometimes run down up to Franklin Street and White, and sometimes it starts below and extends up to Canal; when the stages cannot come down it will keep extending up. Q. That don't often happen? A. It has not happened this Winter. Q. Hasn't happened this Winter at all? A. No, sir, not that I know of. Q. Then it is occasioned by snow-storms, isn't it? A. Principally, yes sir. Q. And it only exists when Broadway is encumbered with snow? A. No, it is when the other streets are encumbered with snow. Q. And Broadway is cleared? A. And the teams all come into Broadway ²⁹⁶² because there is no railroad and traveling generally is better; and a man going down town he will swing into Broadway, and the same going up-town; that is my experience. Q. When you were making or stating to Mr. Evarts your objections to a railroad on Broadway, your mind was acting upon the assumption that the cars were going to be there and all the stages, too? A. No, sir, I have been watching this all the way through. Q. Did you understand with the construction of the railroad that the stages would probably retire? A. Certainly. Q. And don't you think now that if all the business that is required by passengers can be done with fifty cars that there would be very much less obstruction than ²⁹⁶³ four times that number of stages would make? A. No, sir. Q. You still stick to that assumption that one car is more in the way than ten stages? A. Yes, sir. Q. Officer, just hold on; in a crowd the pole of a stage is a great nuisance, isn't it? A. Yes, sir, takes room. Q. Horse-cars are run without poles, aren't they? A. Not all. Q. Generally, are they not? A. Yes, sir. Q. They never put a pole on unless they have a pair of green horses, do they? A. Sometimes they have a pole on when they have four horses. Q. But ordinarily a street car is run without a pole? A. Yes, sir; well, I am not familiar with that. Q. If you could get the poles off of the stages, they would be very much less obstruction in a street than they are now? A. They would take up less room, yes sir. Q. And to that extent, that the cars have no poles, they would be less of an ob-

2964 struction than the stages? A. Yes, take up so much less room.

By Mr. Beaman :

Q. You have come here, officer, simply because you have been subpoenaed? A. Yes, sir; no feeling at all on either side. Q. At what time of the year, ordinarily, except in the Winter time, is Broadway most crowded? A. Except in the Winter time? Q. Yes, sir. A. Well, when Fall trade commences we usually have two or three months; the Summer months it is quiet; Broadway travel is governed by the trade—the busy season. Q. As you have seen Broadway, has the wholesale trade been going up
2965 further? A. Further all the time; yes, sir. Q. Has the general trucking business increased from year to year since you have been there on Broadway? A. Yes, sir, it has increased with the business. Q. Is Broadway blocked up any time, except in the Winter time that you speak of? A. Blocked in the Fall. Q. That is occasioned by what? A. The busy season. Q. Have you seen every year these blockades on Broadway in the Fall of the year, when there is no snow on the ground? A. Yes, sir. Q. How long do those blockades last? A. Well, sometimes an hour, two hours, half an hour, as the case may be, and sometimes all the afternoon. Q.
2966 In your judgment would the placing of horse-cars on Broadway tend to make such blockades more than omnibuses? A. Yes; that has always been my impression. Q. Do omnibuses occasion any more trouble on Broadway than other vehicles of the same size do? A. Oh, no; they are no more trouble than a truck.

By Mr. Scribner :

Q. I want to ask you another question. Don't you think if there was a real nice railroad on Broadway, such as Uncle Jacob Sharp would build, that it would drive off all these omnibuses from Broadway? A. I think it would drive off everything. Q. Do you mean all the omnibuses—all the omnibuses and trucks? A. Yes, sir, I think so, and the business too. Q. Then you could operate it as easy as grease? A. Yes, sir.

By Mr. Beaman :

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Q. Do you think it would drive off the policemen ?

A. No, sir, it would increase them.

OSCAR WABLE, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

By Mr. Evarts :

Q. Mr. Wable, you are a member of the police force? A. Yes, sir. Q. And attached to the Twenty-fifth Precinct? A. Yes, sir. Q. How long have you been on the force? A. Between eleven and twelve years. Q. How long attached to the Broadway Squad? A. Well, for the last ten years, with the exception of a year and a half; I was away two separate times, from eight to nine months. Q. During the time that you have been attached to the Broadway Squad where have you been stationed? A. I have been stationed the whole length of the street, I may say, from the Battery to Thirty-fourth Street, at different times. 2968

Q. And how long were you stationed at Canal Street? A. I was there a little less than four years. Q. And where are you at present stationed? A. Corner of Fulton Street and Broadway. Q. How long have you been there? A. A little over three years; three years last September. Q. How many men are stationed at Fulton Street? A. We have three there. Q. Where is the next man stationed below? A. At Dey Street. Q. And how many there? A. One man at Dey Street—Dey and John. Q. Where is the next man south of that? A. Cortlandt—Cortlandt and Maiden Lane. Q. And then going on, where is the next? A. There is one at Liberty. Q. One at Liberty? A. Yes, sir. Q. And below that? A. Below that there are two patrol posts, but it is usually covered by one man, as we are shorthanded at the present time. Q. Will you please name the stations above yours, with the number of men at them? A. Vesey Street there are two stations, but one man; Barclay Street, one man; Park Place, one man; Chambers Street, two men; then between Chambers and Thomas Street 2969

2970 there is one man—well, there are three posts there but it is usually covered with one man, as we are short-handed; there is another at Walker Street; then there are two at Canal, one at Grand; one Grand to Houston; one at Houston; one at Bleecker; and then there is a patrol post of three or four blocks there; another one at Tenth Street; one at Twelfth and Fourteenth, and so on up. Q. You have been pretty familiar with the travel on Broadway for the past ten years, I suppose? A. Yes, sir. Q. Do your duties at Fulton Street keep you three men stationed there pretty busy during the day? A. It does at busy times. Q. What hour do you go on in the morning? A. We leave the station at half-past eight. Q. Where is your station-house? A. Twenty-ninth Street—Thirty-four East Twenty-ninth Street. Q. And you leave there at half-past eight? A. Yes, sir. Q. And what time do you reach your post? A. Nine o'clock. Q. And when do you leave it? A. I leave it from one until two to get my dinner, returning at two o'clock, and then I leave at half-past six; that ends my day's work. Q. That ends your day's work so far as the street is concerned? A. Yes, sir. Q. Is that post taken by some one while you are away in the middle of the day? A. There are three of us there and we each take one hour to dinner; one man taking from twelve till one, and returning at one, and the other taking Vesey Street while the one at Vesey Street is at dinner, and then at one o'clock the other two go. Q. Are there always two of the three stationed at Fulton Street? A. Not always two; between the hours of twelve and one there is one officer stationed at Fulton Street, one of them going up to Vesey Street between twelve and one.

2972 Q. What hour of the day is travel lightest on Broadway? I mean, of course, during the hours you are stationed there? A. Between twelve and one I should judge. Q. Do you know why that is? A. I do not know of any reason except the truckmen are feeding at that hour. Q. That is their usual hour to feed, isn't it? A. Yes, sir. Q. At the time that you go to get your dinner? A. Yes, sir. Q. How does the amount of travel on Broadway to-day compare with what it was ten years ago? A. Ten years ago I was stationed further up; at the present time

the traffic is very light for this season of the year; 2973
 I think it is about the same now as it was ten years ago. Q. You do not see much difference? A. No, sir; I do not see much difference. Q. Except, as I understand you to say, that it is lighter just now than it is usually? A. Yes, sir; lighter than I have ever seen it at this time of the year. Q. What effect would it have, in your opinion, upon the traffic in Broadway to have a double line of car-tracks laid there and cars operated on it? A. Well, I think at certain times of the day it would be impossible to operate it successfully or with satisfaction to the public.

Mr. Beaman : Why?

The Witness : On account of the immense amount of traffic there is there in the street. 2974

Q. How would horse-cars be any worse than omnibuses? A. Omnibuses we can get out, one way or the other—not obliged to follow straight on one track—and it would be necessary, of course, to keep a street car on the rail; it follows its track, and the omnibus can go back and forth, one way or the other. Q. You think horse-cars would obstruct more than omnibuses? A. Yes, sir. Q. In these answers you have given have you assumed that all the omnibuses will be taken away if the horse-cars run? A. Well, I have taken that into consideration; that is a supposition that I have, that they would be taken off. Q. What times of the day is Broadway most crowded? A. Well, I should judge from about nine o'clock until half-past eleven, and then again from 2975 three until half-past five. Q. Have you seen, within the last years, many blockades where you are located there at Fulton Street? A. Yes, sir. Q. How long lasting? A. Well, I have seen it last there a whole day, but that was on account of the street being blown up. Q. But blockades caused by ordinary things that happen in the street? A. Well, I have seen it, of course, before the holidays this year; but ordinarily we have had blocks there in the Spring of the year—that is, from the last of February for about two months, and then in the Fall of the year again, and then in Winter time. Q. That is a usual thing, then? A. Yes, sir. Q. Every day? A. nearly every day; some days the traffic is a little heavier, and some days not so heavy. Q. How long do those

2976 blocks generally last? A. Sometimes half an hour, and sometimes I have seen them last two hours. Q. Is there much cross travel there at Fulton Street—travel going across the street? A. Very little; most of the travel goes out there—spreads into Broadway; there is not a great deal going directly across.

Q. Is that the worst place for blocks and crowds? A. Yes, sir. Q. What is the next worst place, do you think? A. There is a very crowded place at Cortlandt Street; there is a very crowded place at Worth Street; there is a good deal of— Q. How is it at Canal Street? A. At times we used to have very many blocks up there. Q. You used to be up there? A. Yes, sir. Q. How long were you there? A. I was there nearly four years. Q. What years were they? A. '74 to '78. Q. You say there were long blocks there? A. Yes, sir, at times; busy seasons. Q. You were subpoenaed to come here as a witness, were you no? A. Yes, sir. Q. Have the other officers there with you on Fulton Street been on the force some time engaged in this particular duty? A. One of them has and one has not been on that corner so long; he has been on Broadway for a number of years, though.

Cross-examination by Mr. Scribner :

Q. Officer, at Fulton Street the crowd is occasioned by the stage line that runs through Fulton Street, is it not? A. No, sir; they help to make the crowd, 2978 but then they are a small percentage of the traffic there. Q. The blue stages that run in Fulton Street contribute considerably to the block there, do they not? A. They do to a certain extent; yes, sir. Q. The withdrawal of those stages would withdraw that element of obstruction from the street, would it not? A. It would to a certain extent, of course. Q. I say the withdrawal of those stages would withdraw that element entirely of obstruction? A. That element, yes; but that is a small percentage. Q. Do you know how many stages there are running in Broadway? A. I have been told that there are seventy on each line. Q. That is 210 stages on the three lines? A. Yes, sir. Q. Do you think that a single car would be any more obstruction in a street than a single omnibus? A. I do, surely. Q. The cars run without poles, don't

they? A. Yes, sir. Q. And the stages run uni-2979
 versally with poles? A. Yes, sir. Q. Their poles
 projecting beyond the heads of horses? A. Yes, a
 short distance. Q. And those poles constitute a very
 serious obstruction, do they not? A. Well, it is a
 very serious objection, to a certain extent. Q. Of
 course a vehicle that was run without a pole, so that
 the horses could be turned around to either side,
 would be less of an obstruction than one of those
 stages with a pole? A. It would, provided you could
 govern and turn it from one side to the other. Q. A
 stage travels all over the street; you never know ex-
 actly where you are going to find it? A. Well, it
 should travel on the right-hand side. Q. No matter
 how they should do it, you find them all over and 2980
 on all sides of the street? A. Yes, sir. Q. You find
 them all around? A. Yes, sir. Q. If you had a
 street-car line constructed on the street you would
 know where to find them? A. Yes, sir. Q. The
 truckmen would know where to find them? A. Yes,
 sir. Q. Do you mean to tell the Commissioners that
 with those tracks existing that you believe that a
 street-car line would obstruct the street more than a
 stage line? A. I do, in my judgment. Q. Notwith-
 standing the fact that the cars are where the truck-
 men and cabmen will know where to find them? A.
 Yes, sir. Q. Is it your opinion that the construction
 and operation of a street-car line in Broadway would
 withdraw a large number of the omnibuses that are
 now running in Broadway? A. Well, I should sup- 2981
 pose it would.

Q. To that extent, then, it would relieve the street
 from an element of obstruction? A. Yes, sir.
 Q. Is it your opinion that the construction and
 operation of a street-car line would withdraw from
 the street all the vehicles that are now engaged in
 the carriage of passengers? A. No, sir. Q. Such as
 omnibuses, hackney-coaches and cabs, and every-
 thing of that kind? A. It might. Q. Largely?
 A. Most of the public would take it. Q. You as-
 sumed, too, I think you told Mr. Beaman, that all
 the stages were going to be withdrawn? A. Yes,
 sir; that is my opinion. Q. That is your notion
 about it? A. Yes, sir; that is my opinion.
 Q. Do you happen to remember the condition
 of Broadway twenty years ago? A. I do not.

- 2982 Q. You were not on Broadway at the time when the Consolidated Stage Company was in existence? A. No, sir. Q. How is Broadway at night, officer? A. Well, it is very seldom I am on Broadway at night-time—that is, after half-past six. Q. About what time does the travel of vehicles on Broadway cease? A. About half-past five where I am located. Q. You have had occasion to observe the operation of the stage lines on Broadway, haven't you? A. Yes, sir. Q. And don't you know that they are over-crowded at the present time; ever since the five-cent fare was inaugurated—don't you know that they are over-crowded at all hours of the day? A. Not at all hours of the day; at certain hours of the day. Q. At certain hours of the day they are over-crowded? A. Yes, sir. Q. The seats are full and people stand up and hang on the straps? A. Yes, sir; especially on a rainy day like this. Q. Have you observed to-day whether in fact there is accommodation for the people who want to ride or not? A. There was to-day. Q. Because this is a very severe storm and very few people are out? A. That helps contribute to the fact, I think. Q. But ordinarily the stages are crowded? A. Yes, sir; at certain times of the day they are. Q. What hours of the day are they most crowded? A. Well, I should say from five to half-past five or six. Q. There is no doubt in your mind that the cars would accommodate more people, is there? 2984 A. They might, perhaps, if they could be got through. Q. There is no doubt in your mind that the cars would furnish the people with great deal better accommodation than the stages do? A. Well, in regard to that I could not say whether they would or not; it is my opinion— Q. Don't you think an enormous number of people would be accommodated by the street cars for short trips if they were running? A. I think they would.

ALEXANDER J. ROBINSON, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Evarts:

Q. You are a member of the Metropolitan Police force? A. Municipal Police force; yes, sir. Q.

And attached to the Twenty-fifth Precinct? A. Yes, 2985
 sir. Q. And a member of the Broadway Squad?

A. Yes, sir. Q. How long have you been a member
 of the Department and force? A. About fourteen
 years and seven months. Q. And how long have
 you been attached to the Twenty-fifth Precinct? A.

Thirteen years. Q. Where are you stationed to-
 day? A. Maiden Lane and Broadway. Q. And
 how long have you been there? A. About nine
 years. Q. Where else have you been stationed?

A. I have been stationed at various posts on Broad-
 way. Q. How long were you at Fourteenth Street?

A. About a year, I should judge. Q. And Twenty-
 third Street? A. About the same length of time.

Q. And have you been thirteen years past pretty
 familiar with the travel on Broadway? A. Yes, sir. 2986

Q. How does it compare to-day with what it gener-
 ally is at this time of the year? A. Well, consid-
 erably less, owing to the depression in business. Q.

You consider it is so because times are bad? A.
 Yes, sir. Q. Have you noticed that that affects the

volume of traffic in Broadway? A. The depression
 in business? Q. Yes, sir. A. Yes, sir; that is

owing to the same cause; there is not so much travel
 on Broadway as there was in former times. Q. Mr.

Beatty said that since the holidays the travel on
 Broadway was as light as he had ever seen it except
 in the dull times of Summer? A. That is so; yes.

Q. Do you agree with him as to that? A. I do;
 yes, sir. Q. What is the busiest hour of the day in

Broadway? A. The busiest hour? Q. The busiest
 hours? A. Well, from about 9 until 4 or 5. Q. 2987

Between 9 and 4 what are the busiest times—what
 are the busiest hours of the day? A. About mid-

day. Q. From 12 to 1 o'clock? A. Yes, sir. Q. In
 your opinion, what effect upon the travel in Broad-

way would a double track horse railroad, operated
 on Broadway from the Battery to Fourteenth Street,

have? A. Well, in my immediate vicinity where I
 am stationed, I think it would be an impediment to

the traffic—that is, to the business. Q. Do you
 think it would facilitate the public travel? A.

Well, it would if it could be operated successfully.
 Q. Do you think it could be operated successfully?

A. I do not think it could. Q. In your experience
 do you think it could be operated. A. I don't

think it could down town. Q. And why do you
 think it would be impossible to be operated? A.

2988 Well, owing to the crowded condition of the street at times in busy seasons—trucks backing in to the curb, &c., would be apt to block the streets, and cars, being stationary on the track, they are there, and you can't move them either one way or the other; and in case anything should happen on the track they become blocked, and it would cause all the traffic to be blocked. Q. They would block themselves and block all the traffic, in your opinion? A. Yes, sir, until the obstruction could be removed from the track. Q. Do you think that a horse-car on Broadway, with the present traffic, the omnibuses being removed, would make as good time from the Battery to Fourteenth Street as an omnibus does to-day? A. I don't think it could, sir.

2989 *Cross-examination by Mr. Scribner:*

Q. Have you ever been stationed on Broadway south of Wall Street? A. Only for a day or so at a time. Q. There would be no trouble running a railroad down there, would there? A. Well, there is not so much traffic down there. Q. There would not, in your opinion, be any difficulty in running a railroad there, would there? A. Well, from not being very familiar with that line of Broadway I could not say. Q. Have you ever been stationed on Broadway above Canal Street? A. Yes, sir. Q. Would there be any difficulty in running a railroad between Fourteenth Street and Canal Street? A. Not so much as there would be below Canal Street. Q. Would there be any? A. I don't think there would. Q. Would there be any difficulty in running a railroad, in your opinion, between Canal Street and Chambers Street? A. Yes, sir; I think there would. Q. At what point? A. Well, there in the dry goods district, from Walker Street down. Q. From Walker Street down to what street; down to Chambers? A. Yes, sir. Q. You say anywheres between Canal and Chambers? A. Yes, sir. Q. There would be no difficulty in running a railroad between Chambers Street and Vesey Street, would there? A. Well, it is wider there. Q. And there Broadway is wider, and you think there would be no difficulty in running a railroad there? A. No, sir. Q. It could make good time there between those points? A. Yes, sir; in consequence of the street being wider. Q. If a railroad is not obstructed it makes better time than stages, does it not? A. Yes, where it is

not obstructed; I think that is so. Q. You are 2991
familiar with West Broadway, are you not? A.
Not very. Q. How long have you lived in New
York? A. For twenty years. Q. Were you born
here? A. No, sir. Q. During those twenty years
you have had occasion to visit West Broadway a
great many times and pass through it, have you not?
A. Yes sir. Q. You know there are several lines of
cars running there? A. Yes, sir. Q. And you know
there is a great deal of business done in that street?
A. Yes, sir. Q. Do you know there are a
great many vehicles using that street? A.
Yes, sir. Q. And you know that the Sixth
Avenue, Seventh Avenue, Eighth Avenue, and
Broadway cars have been running regularly through
that street for twenty years, do you not? A. Yes,
sir, I believe they have. Q. And there used to be a 2992
Ninth Avenue line also running through West
Broadway, was there not? A. I don't remember,
sir. Q. Do you know anything about the Bowery?
A. Yes, sir. Q. The Bowery is a crowded street,
isn't it? A. Well, I don't think it is as crowded as
West Broadway.

Q. You don't think it is crowded as West Broad-
way? A. No, sir; there is more room to drive; it
is wider. Q. Don't you think the Bowery is fre-
quented—that is, traversed—by more vehicles than
Broadway is even? A. No, sir. Q. When you
take into consideration the cars as well as the other
vehicles running, are there not more vehicles run-
ning at certain places in the Bowery than there are
in Broadway in the busy times of the day? A. No,
sir. Q. Are you really familiar with the Bowery? 2993
A. Yes, sir. Q. You know as a fact that there are
various lines of street-cars running through the
Bowery? A. Yes, sir. Q. And there is an elevated
road there too? A. Yes, sir. Q. And elevated
posts obstructing the highway? A. Yes, sir. Q.
And notwithstanding those obstructions—the ob-
struction of the elevated railroad posts—and not-
withstanding the existence of the street-car lines
that run through that street, the people get along,
don't they? A. Vehicles? Q. Yes. A. Yes, sir.
Q. And people live there and are prosperous and
happy? A. Yes, sir; as far as I know. Q. As far
as you know? A. Yes, sir. Q. Policemen last
there as long as they do on Broadway almost, don't
they? A. Well, it is more quiet there now since

- 2994 Owney Geoghan is dead, I believe. Q. Officer, do you know anything about Canal Street? A. Yes, I do a little. Q. Canal Street is a street that is very much crowded with vehicles, isn't it? A. Yes, sir. Q. And there are street-cars run and operated there on both sides of Broadway? A. Yes, sir; but Canal Street is a very wide street. Q. Oh, I know that it is a wide street; there are a great many vehicles on it; it is a great cross-town thoroughfare, is it not? A. Yes, sir. Q. And if you find a crowd at any part of Broadway it is at its intersection with Canal Street, is it not? A. No, sir; not as bad as Fulton Street. Q. Next to Fulton Street, isn't that the place where you would expect to find a crowd on Broadway? A. Yes, sir.
- 2995 Q. And yet the street-cars have lived and flourished in Canal Street, and other vehicles have passed and repassed, and the people in that neighborhood are prosperous and happy, and have been for twenty years? A. Yes, sir. Q. And policemen live out the natural length of their lives there? A. Yes, sir. Q. Not over burdened with work? A. Well, there is plenty on Canal Street, on that crossing. Q. Officer, your immediate station you say now is about where? A. Cortlandt Street and Maiden Lane. Q. South of Fulton Street, are there many blockades on Broadway? A. Well, not just now, sir; but there are in busy seasons of the year. Q. You spoke just now about the lull in business; are you conscious that that has caused any gentleman
- 2996 to sell his horse and truck? A. No, sir. Q. To your knowledge have the number of horses and trucks in the City of New York diminished at all during the past Winter? A. There have been— Q. No, no; the number of horses and trucks owned and used in the City of New York—have they diminished in number at all? A. Not to my knowledge, sir. Q. They are all here yet? A. I presume so; but there are not as many on Broadway as there used to be.
- Q. And that occurs, according to your notion, because people have not got the money to spend that they used to have? A. Well, I don't know why it is, but I know there is a lull of traffic. Q. What is the character of traffic on Broadway; what sort of vehicles most frequent it? A. Well, all sort of vehicles. Q. Principally what? A. Principally trucks. Q. There is no reason that you know of that trucks

cannot go somewhere else, is there? A. Well, they 2997
all seem bound to come to Broadway. Q. That is
to view the scenery and the nice things, isn't it? A.
Because the pavement is good there and the—— Q.
And the scenery is better than it is on some other
streets? A. Well, that I don't know. Q. Don't
you know that a great variety of trucks travel Broad-
way which might just as well go through Church
Street or some other street? A. Well, in slack times
like this, I suppose they could, but in Winter time
when the side streets are all packed with vehicles
they seem to go to Broadway, because it is cleared
and there are policemen there to guide them. Q.
Do you know how many stages are running on Broad-
way? A. I am not positive, but I have been told
that there is 70 on each line. Q. That is 210 stages
altogether? A. Yes, sir. Q. Do you think the 2998
taking off of those 210 stages from Broadway would
remove the trouble therefrom? A. Yes, sir; it
would to a certain extent. Q. It would to a very
large extent, wouldn't it? A. Well, to that extent;
I suppose it would be perceptible. Q. A stage or a
stage-driver is about as great an obstruction on
Broadway as anything else, isn't it? A. Yes, they
occupy just as much room as any other vehicle. Q.
About as independent a vehicle as there is in use—
greatly exceed a truck—isn't that so? A. Inde-
pendent? Q. Yes, lawless—travelling all over. A.
Well, we generally keep them under subjection. Q.
They are a lawless set generally, aren't they; you
don't know where to find them, whether on the right 2999
hand side or left hand? A. Well, sometimes green
drivers will run on the left hand side. Q. Don't
you think the very fact that if a railroad was laid
on Broadway, and the cars confined there to a cer-
tain line, and the stages all drawn off, and you knew
exactly where to find the cars, that they would re-
lieve Broadway instead of blocking it up? A. I
don't think that that would make much difference.
Q. Officer, don't it really amount to this, that this is a
thing "that no fellow can find out" until it is tried,
whether a railroad on Broadway would be a good or
a bad thing? A. Well, perhaps that will be the
best solution to the business. Q. If the rails are laid
down and the cars go upon them, if they go there
it will go to show that you were mistaken, won't it?
A. Yes, sir. Q. That is what we are going to do;
you don't know of anything south of Fulton Street

3000 that would prevent the operation of a railroad on Broadway? A. Only the crowded condition of the street at certain times of the day. Q. At Fulton Street? A. You said below. Q. Do you happen to remember what the condition of Broadway was 20 years ago, and whether blockades are more frequent now than they were then? A. I don't remember Broadway 20 years ago.

Q. Do you say that Broadway was any less crowded than it is now? A. No, sir; I don't think it was. Q. You don't think there has been any change in the last ten years, do you? A. No, sir; I don't think the traffic has increased any in the last ten years. Q. You don't think it has increased any in the last ten years—is that what you mean? A. Yes, sir. Q. Do you think the traffic on Broadway
3001 has increased at all since you first became a member of the police force? A. I don't think it has; it is about the same. Q. You don't remember Broadway—what its condition was during the war, do you? A. I have only a faint recollection of that, sir. Q. Does that faint recollection help you to remember that it was a great deal more crowded then than it is now? A. No, I cannot say that it does. Q. You don't think there is any change? A. No, sir. Q. At all events you recollect this, that there has been no increase in the number of vehicles in the last ten years? A. No, sir; I don't think there has been. Q. About Broadway at night—are you on duty at night there? A. No, sir; only until half-past six o'clock. Q. Is the Broadway Squad
3002 on duty at all at night? A. We attend balls and entertainments and such like; we are sent out on special duty, but not on Broadway. Q. Is it not within your recollection of Broadway that the principal hotels and places of amusement and churches that used to be on Broadway have all vanished? A. Oh, there are a great many hotels that have not vanished. Q. The best hotels that used to be on Broadway 20 years ago have disappeared, haven't they? A. Yes, sir; some of them. Q. There is not a church on Broadway now, is there? A. Yes, sir. Q. Except Grace Church, I mean to say? A. Yes, Trinity Church and St. Paul's, and the Broadway Tabernacle. Q. The Broadway Tabernacle has disappeared, has it not? A. That is at Thirty-fourth Street. Q. I am talking about south of Grace Church—between Grace Church and

Fulton Street? A. There isn't any church to my 3003 knowledge. Q. No church on Broadway between Grace Church and Fulton Street? A. No, sir. Q. Nothing for the railroad to do there then on Sunday, is there, on Broadway? A. I guess the traffic would be light on Sunday. Q. And they would not get much of that in the night time, would they? A. No, sir; I don't think they would; they might of theatre people and such like. Q. There would not be any sort of difficulty in running at night, would there? A. I don't think there would be, sir. Q. Is it your opinion that the construction and operation of a railroad on Broadway would not only have the effect to withdraw the stages, but to withdraw the cabs that are running—very many of them? A. I presume it would withdraw some of them, but not 3004 all the cabs. Q. There would be very much less occasion for cabs then than there is now? A. It would depend upon whether people wanted to go in a hurry—quicker then the cars could take them. Q. How about the stages as they run now; they are generally jammed full in the busy times of the day? A. Yes sir.

Q. People standing up? A. Yes, sir. Q. And it is very uncomfortable to stand up in a stage? A. Yes, sir; it is for me, I know. Q. It is very disagreeable not only to the man standing up, but to the people sitting down, isn't it? A. Yes, sir; I should judge so. Q. And a horse-car would help all that, wouldn't it? A. Well, so far as comfort is concerned, yes, sir. Q. A horse-car would be very 3005 much more comfortable than a stage? A. Yes, sir, I believe so. Q. And they would accommodate more people? A. They would hold more people. Q. They would hold more people and they would accommodate more people? A. Well, that depends upon how often you run the cars. Q. If they run the cars often, run the cars once a minute on Broadway, they would accommodate a great many more people than the stages do, wouldn't they? A. Yes, they would accommodate more people than the stages do. Q. And that in accordance with your notion would promote the comfort, and the peace, and the pockets, and the prosperity of the people of the city; wouldn't it? A. So far as the comfort of the people in the vehicles is concerned, it would.

3006 *By Mr. Everts :*

Q. Mr. Robinson, can you tell us how, in your opinion, the amount of traffic which is usually on Broadway at this time of the year compares with what it is and has been since the holidays? A. Well, I should think it has fallen off at least 30 per cent. Q. You think it is not more than 70 per cent. of what it usually is at this time of the year? A. Yes, sir; around the holidays everything was a solid block three or four days, and nowadays there is nothing of the kind.

NEW YORK, February 17, 1885.

3007 CHARLES S. SMITH, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

By Mr. Everts :

Q. What is your age? A. Fifty-two years old. Q. Where do you live? A. 25 West Forty-seventh Street. Q. What is your business? A. I am a commission merchant; agent for eastern manufacturers. Q. What is the name of your firm? A. George C. Richardson, Smith & Co. Q. Where is it located? A. 115 Worth Street. Q. How long have you been engaged in business in this city? A. Thirty years and more. Q. How long at your present location? A. Thirteen years. Q. You are the 3008 Vice-President of the Chamber of Commerce? A. Yes, sir. Q. Is your house a large one? A. Yes, sir. Q. One of the largest in New York? A. Yes, sir. Q. And in the country? A. In the country, in the commission business. Q. Of what does that business consist generally? A. Cotton goods mostly. Q. Receiving and shipping cotton goods here in New York? A. Receiving goods and sending them to the West; shipping them. Q. Do you do your own trucking in that business? A. Yes, sir. Q. How many trucks do you employ? A. It is either nine or ten; nine certainly; I believe it is ten. Q. To what extent do they use Broadway in the transaction of your business? A. They always cross it in going to and from our store, and generally go down Broadway until they strike the lines on the river. Q. Do you deliver goods on Broadway? A. Yes, sir; we sell all the houses that are in the do-

mestic business on Broadway. Q. And the number 3009
of those is large ; do you deliver goods every day on
Broadway ? A. Oh, yes ; I should think there was
scarcely a day in the year that we did not. Q. How
important in the transaction of your business, and
of business of a like nature, is it, in your opinion,
to be able to use Broadway to deliver goods at the
houses along that street ; I mean, how important is
it to be able to stand and deliver goods from the
trucks ? A. It is absolutely necessary. Q. What
effect, in your opinion, would it have upon the
travel in Broadway to have a double-track horse-car
road laid with cars running on it ? A. I should say
it would be exceedingly detrimental to the business
interests of New York ; it would be almost impossi-
ble to transact business like ours with such obstruc- 3010
tion on Broadway as we have in West Broadway,
for example. Q. Would it, in your opinion, affect
rents ? A. I should think it would, unfavorably ;
I should think a concern like Tefft, or Jaffrey, who
are among the largest houses on Broadway, could
not afford to pay the rent they do with an obstruc-
tion of that sort in front of them. Q. Are rents on
Broadway to-day below Canal Street considered
high ? A. They rent higher there than they do
above ; yes, sir ; it is the most valuable part of
Broadway, as far as the dry goods business is con-
cerned. Q. Is there, in your opinion, any public
demand or necessity for a railroad on Broadway be-
tween 14th Street and the Battery ? A. No, sir ; I
do not think there is ; that is, I do not know about 3011
the public demand ; I do not think there is any ne-
cessity for it, and I think it would be a great detri-
ment to the business interests of New York.

Q. You think, in your opinion, it would affect the
prosperity of New York City ? A. Yes, sir, I think
it would tend to drive away such business as ours
from the city ; it would oblige us, as largely as we
could, to ship our goods from the mills, and prevent
us from bringing them to New York. Q. Would it,
in your opinion, increase the difficulty and expense
of carrying on your business ? A. Yes, sir. Q. To
a very great extent ? A. To a very great extent, as
far as the shipment of goods is concerned.

Cross-examination by Mr. Scribner :

Q. Where is your store ? A. 115 Worth Street.
Q. And you have been there for thirteen years ? A.

- 3012 Yes, sir, in this particular building. Q. Are there large houses in the dry goods business on Church Street? A. Yes, sir, not the largest; there are some large ones. Q. There are large dry goods houses in Church Street? A. Yes, sir. Q. Church Street is much narrower than Broadway, is it not? A. Yes, sir. Q. And in Church Street, for twenty years past, there has been a railroad running regularly, has there not? A. For a long time; I do not recollect the number of years. Q. At all events, that railroad was in operation and with cars running on it regularly on a single track in Church Street before many of those mammoth stores, that now exist there, were built? A. I believe that is true. Q. Notwithstanding the existence of that railroad, merchants doing business—wholesale dry goods business
- 3013 —on that street, have erected those mammoth stores that now exist there, and have continued to occupy and use them since the existence of that railroad? A. Yes, sir. Q. Notwithstanding the operation of the railroad? A. Yes, sir. Q. Do you seriously claim that there would be any such injury to your business by the construction of a street railroad in Broadway between the Battery and Fourteenth Street as could induce you to cease doing business? A. No, sir; cease doing business in New York? Q. Yes. A. No, I do not think we should give it up; we should give up shipping goods from New York; what I mean by that is this, that when we sold goods to Chicago, we would endeavor not to deliver
- 3014 them from New York; but to deliver them at the East so as not to bring them here and avoid the trouble of trucking them and receiving them in New York, and to that extent it would injure the business interests of New York. Q. How would that affect the business interests of New York in any respect? A. Very seriously. Q. Why? A. If you carried that to its full extent you would do away with all the carmen and handlers of goods; it would affect our business in New York; it would affect our railroads; affect the New York Central and the Erie; our goods are all first-class, the most important freight they have. Q. What is the principal class of goods in which you deal? A. Domestic dry goods. Q. Cotton goods? A. Cotton goods. Q. Sheetings and shirtings? A. Yes, sir, sheetings and shirtings and canton flannels, and all that sort of thing; and they are the best class of freight which

any railroad gets ; they charge us first-class freight 3015 on them ; the railroads have lost already very seriously ; New York is the worst place to-day to ship goods from ; you have a snow-storm in West Broadway and those streets that have railroads on them all around the docks, and it is almost impossible to stir.

Q. Do you not know, from your experience in New York, that in case of a snow-storm your truckmen, and other truckmen universally seek those streets in which railroads exist, in consequence of the paths which are cleared by the snow-plows of railroads. A. No, I do not ; I know that the railroads pile the snow up on the side of the track so that it is almost impossible to get along ; they pile the snow on side of the track, and the cars obstruct the middle of the street so that trucks cannot get 3016 through. Q. I call your attention to that precise state of facts: Assuming a foot of snow to have fallen in New York over night, and that Broadway has not yet been cleared, or that not sufficient time has elapsed to clear Broadway, do not the truckmen uniformly seek those streets which have been cleared by the snow-plow, and in which railroad tracks exist? A. No ; I do not think they do, because I think they would be obstructed more in those streets than in any others. Q. I ask you the fact? A. No ; it is not true, according to my observation. Q. According to your observation, is it not the usual thing for trucks, and cabs, and vehicles of all kinds, when the streets of New York are encumbered by snow, to seek those streets in which railroad tracks are laid, for the reason that the snow-plows of the 3017 railroad companies have cleared a path on which trucks and other vehicles may run as well as their cars? A. That cannot be, according to my observation down-town ; it might be probably up in Sixth Avenue. Q. How is it with regard to West Broadway? A. No, I do not think so ; I think they have to avoid it. Q. Have you not had occasion to hire a hackney coach in Winter, when the streets were encumbered by snow, to travel from your house to your store? A. Yes, sir. Q. Did you not observe that the driver of such a carriage uniformly sought the railroad streets, in consequence of paths having been cleared by the snow-plows? A. I excepted up-town ; I think that it is true, there ; but I do not think it is true as to trucks and wagons down here ;

- 3018 because they cannot run in the railroad tracks. Q. In case of a snow-storm, when Broadway is encumbered with snow, and during the period when the snow is yet lying on the street and has not been removed, is it not a matter of your observation that trucks and other vehicles usually seek some other street than Broadway? A. No; it is not; I think they generally go down Broadway; they certainly would not seek West Broadway, which has a track, and which is the only parallel street; or Elm Street: our trucks would not. Q. Have you had occasion to observe West Broadway under the circumstances I have indicated? A. Very often. Q. Was
- 3019 is it not a matter of your observation that that street was filled with trucks, following the railroad track? A. No, sir; not so much as Broadway; there were some there. Q. Does your recollection carry you back to the condition of Broadway, twenty years ago? A. Yes, sir. Q. Will you tell the Commission whether, in accordance with your recollection, Broadway is as much crowded now as it was twenty years ago, or at a time when the stages of the Consolidated Stage Company were running? A. I think the lower part of Broadway, from this down to Wall Street, is more crowded
- 3020 than it ever was in the world. Q. Do you compare that with your recollection of the condition of that street, twenty years ago? A. Yes, sir.
- Q. Do you remember when the Consolidated Stage Company was running? A. I do not know that I recollect that now; I recollect when there were more omnibuses than now; I do not know that I recollect the Consolidated Stage Company as a corporation. Q. Do you remember a line of stages that ran through Bleecker Street? A. I have an indistinct recollection; I cannot recall them. Q. Do you remember a line of stages that ran through Amity Street? A. No, sir. Q. Do you remember a line of stages that ran through Fourteenth Street?
- 3021 A. No, I do not. Q. Do you remember a line of stages that ran through East Broadway? A. Yes, sir. Q. You remember that there were various lines of stages that disappeared about twenty years ago? A. Yes, sir, I do. Q. They were the cause of great obstruction and confusion in Broadway, were they not? A. Yes, I think they were. Q. Their disappearance lessened the crowd on Broadway? A. No, because I think carts have increased to a greater ex-

tent that the omnibuses disappeared ; I think you 3022
 will find that Broadway in the busy season never
 was so much obstructed between Canal Street and
 down below Fulton as it is to-day ; that is my im-
 pression. Q. Is it your opinion that a line of street
 cars, which did not use more than fifty cars, would
 obstruct Broadway as much as the three lines of
 stages now running, which are said to use 210
 stages ? A. Yes, sir, I think it would, because they
 cannot turn out of the way at all ; they have to go
 straight and keep on the track ; they cannot accom-
 modate themselves to the traffic. Q. Ordinarily
 how heavy are the packages of goods that are car-
 ried by your trucks ? A. They would weigh—let
 us see—from, I should think, three hundred to four
 hundred pounds. Q. What is the length of your 3023
 trucks ? A. I do not know ; regular two-horse
 trucks. Q. Two-horse trucks are of different sizes ;
 can you not tell me the length of your trucks ? A.
 I could not tell ; there is one out there (pointing to
 the street) ; you can guess at it ; it is a mere guess.

Mr. Scribner : I do not want guessing if you do
 not know.

The Witness : I do not know.

By Mr. Ecarts :

Q. You have been asked about the large dry
 goods houses in Church Street ; there are a good
 many there ? A. Yes, sir. there are a good many.
 Q. Occupying large buildings ? A. All the large 3024
 houses are on the corners of the streets ; there are
 no large houses that have to ship where these rail-
 roads are ; the large houses on Church Street are on
 the corner of the street, and they ship on the side
 street ; it would be absolutely impossible for any
 house like ours to do business in Church Street
 without they had a corner ; you might as well try
 to bail the North River dry. Q. If you had Church
 Street alone, you could not do business ? A. It
 would be absolutely impossible to do it. Q. That
 is the fact, that these large houses in Church Street
 invariably and without exception use the side streets
 in which there are no railroad tracks ? A. To do
 our business I would not take a store in Church
 Street rent free if we did not have a corner, and no
 one could do it who had our goods to move ; there
 is no concern on Broadway that could begin to re-
 ceive and ship their goods without such a side
 street.

3025 *By Mr. Scribner :*

Q. Did you ever have a store on Broadway? A. Yes, sir.

Q. When was that? A. We were on Broadway, I think, five years—from 1858 to 1863; the store now occupied by Jaffrey & Co.

Q. That has a side entrance? A. That has a side entrance and back street too. Q. Are there a good many stores to rent on Broadway at the present time? A. I do not think there are any below Canal Street.

Q. Are there above Canal Street? A. Yes, sir, I think so.

Q. A great many of them? A. I do not know how many. Q. Are there any stores on Broadway above

3026 Canal Street that have stood vacant for years together? A. I do not know of any but that one

there—that curious old landlord that never would let it. Q. Do you mean Mr. Mathews, who is said to have died wishing for a railroad? A. I don't know who he was.

Q. Not Mathews; Mr. Brewster? A. Brewster, yes, sir; he is the man; he is the only one I know of.

Q. He is said by somebody to have died sighing for a railroad on Broadway? A. I should think he would if he thought he could get relief.

Mr. Scribner : I do not believe I can get much comfort out of you.

The Witness : I do not believe you can, if you want me to advocate a Broadway railroad; I think it would drive business away from New York.

3027 *By Commissioner Harris :*

Q. Is your business east or west of Broadway? A. East of Broadway. Q. What points do you ship

goods to? A. To every prominent city in the United States. Q. Generally by what route? A. By all the

routes; we ship largely by the New York Central and by the Erie, and the Pennsylvania Central; we

receive largely from the Norwich Line, that has its dock down here; we have to haul all our goods

there; our route is, to go to the Norwich Line, to go up to Broadway and down Broadway. Q. You go

up as far as Canal Street? A. Where the Norwich Line comes in there; then on the Fall River Line we

receive a good many goods; we have to go down there often; our people go down Broadway; I

sometimes say to our man when he goes down town, "Why were you so long?" "Well," he says, "I

was blocked up by cars ;" that is what we hear every 3028
time ; it may be an excuse of the carmen ; if we are
in a hurry and find them behind they say, " I was
blocked up by the cars." Q. The Fall River Line is
near Murray Street ? A. About that. Q. Your ship-
ments are between Murray and somewhere below
Canal ? A. We ship a good many goods to Phila-
delphia ; we always steer clear of the railroad streets
when we can conveniently ; that is what our car-
men tell me.

JAMES H. DUNHAM, called as a witness on behalf
of Mrs. Boreel and the Board of Trade and Trans-
portation, being duly sworn, testified as follows :

By Mr. Everts :

3029

Q. What is your age ? A. Upwards of fifty. Q.
Do you live in this city ? A. Yes, sir ; I have a
residence in the city. Q. Where do you live ? A.
I live in Thirty-sixth Street. Q. What is your busi-
ness ? A. Importing and jobbing dry goods. Q.
Where ? A. 340 Broadway, between Leonard and
Worth—between Catharine Alley and Worth. Q.
Your firm is named, Dunham, Buckley & Co. ? A.
Dunham, Buckley & Co. ; yes sir. Q. Did you state
what that business was ? A. The importing and
jobbing of dry goods. Q. And that consists of re-
ceiving and distributing goods in this city ? A. Re-
ceiving goods in the city and distributing them, or
shipping them to various shipping points ; deliver-
ing to some extent in the upper part of the city. Q. 3030
Your store is on the corner of Worth Street ? A.
No, we are in the centre of the block ; we have a
front of thirty feet on Broadway, and then we go
back one hundred feet, and then we have one hun-
dred feet square which gives one hundred feet front
on Worth Street and one hundred feet front on
Catharine Alley ; we receive and ship our goods on
Worth Street ; we could do it on Catharine Alley
but Worth Street is better. Q. You do not use
Broadway for the general shipping of your goods ?
A. No ; we occasionally receive a few goods there,
but nothing to speak of ; our place of receiving and
delivering both is on Worth Street. Q. Your house
does a large business here in New York ? A. Yes,
sir. Q. One of the largest ? A. One of the largest
shipping houses ; probably three or four others are
larger. Q. To what extent is Broadway used by

3031 your truckmen in carting your goods? A. Not very much; we use Broadway as a thoroughfare after leaving the store, in going down, of course—in going to the different piers. Q. In your opinion what would be the effect upon your business and upon the business generally of a like character in New York, to have a double track horse-car railroad in Broadway from the Battery to Fourteenth Street with cars operated thereon? A. I think it would interfere very much with delivering and shipping of goods; it would be an obstruction and detrimental.

Q. You think it would be an obstruction to traffic? A. To a great extent. Q. Why do you think a railroad there would be an obstruction to traffic? A. For the same reason that was mentioned by the previous gentleman, Mr. Smith—that they have to run
3032 on a certain line and cannot accommodate themselves to the traffic at all; if a car is there it has got to stay there and can't get out of the way; a truck can turn and back out and go ahead and get out of the way. Q. In your opinion, would it have an effect upon the rental value of property on Broadway? A. I think so, decidedly. Q. In your opinion, is there any public demand, or public necessity for a railroad on Broadway between Fourteenth Street and the Battery? A. I can conceive of no demand whatever, or occasion for it; in fact I think it would be detrimental, rather than beneficial to the public—to the city.

3033 *Cross-examination by Mr. Scribner:*

Q. You have occasion sometimes to go down town? A. Every day. Q. Would you regard the cars as a convenience in going from your store to Wall Street? A. No, sir; I do not; I never take it. Q. You always go afoot? A. I generally take the elevated; I think that is a very good substitute for the horse-cars. Q. To go from 340 Broadway to Wall Street, do you take the elevated railroad? A. I walk over to Franklin Street and go up to Thirty-third Street and get off there. Q. But if you wanted to go from 340 Broadway to Wall Street? A. If I did not take an omnibus I should walk, or take a car; I generally walk. Q. Would you walk if there was a street-car in Broadway? A. I think I should; the cars and omnibuses are so liable to obstruction that I make better time on the average by walking. Q. Do you not think the citizens of

New York, as a rule, prefer horse-cars to omnibuses? A. Personally, I do not; I don't know how other people feel. Q. You say that in your store you receive and deliver most of your goods on Worth Street? A. On Worth Street, yes, sir. Q. You still have another street called Catharine Alley, in the rear? A. Yes, sir; that we are not using; that is on the other side; Worth Street is on this side. Q. So that the construction and operation of a street railroad in Broadway would not interfere in any manner with the receiving or delivering of goods at your store? A. Not to any extent; we receive a few goods on Broadway but not enough to make it of any moment. Q. You testify that you think that the construction of a railroad on Broadway would affect the rental value of property; in what part of Broadway do you think the rental value of property would be affected by the construction and operation of a railroad? A. I think from Canal Street to the Battery. Q. South of Canal Street? A. South of Canal Street. Q. Do you think it would be injuriously affected, or beneficially? A. Injuriously. Q. Do you not think that where there are office buildings on Broadway the rental value would be improved? A. I don't think there would be increased facilities; I think that the facilities would be lessened because you would be more liable to obstruction. Q. Do you know how much of the street a street railroad with double tracks would be likely to occupy? A. No, I never thought of that matter. Q. Suppose it occupied only fifteen feet in the centre of the street— A. It would be a nuisance.

Q. Please wait until I finish; suppose it occupied only 15 feet in the centre of the street, and left on either side a roadway of 15 feet, or thereabouts, would you still say that such a railroad would operate as an obstruction to Broadway? A. I should, certainly. Q. Are the stages now running at the present time on Broadway, in your judgment, an unnecessary appendage to Broadway? A. No, not at all; I think they are very desirable and important. Q. You think there is a public demand for some means of transit on Broadway to get from Fourteenth Street to the Battery? A. Yes, sir. Q. It is absolutely necessary that there should be some cheap means of public conveyance on that street? A. It is desirable.

- 3037 Q. You think it is absolutely necessary for the comfort and convenience of the people? A. I think it is extremely desirable; a person could get along without it but it would be inconvenient. Q. Have you had occasion to observe the operation of those stages, as to whether they are filled or not, at particular portions of the day, or very crowded at any time? A. Only in a general way; I generally take the elevated railroad myself, and I am not on Broadway very much during the day; my impression is they run fuller than formerly. Q. Suppose you desire to go from your store, from 340 Broadway, to a broker's office in Wall Street, you would usually take the stage, would you not? you would not take the elevated road to make that journey?
- 3038 A. No, I should take the stage, if I rode at all. Q. You regard that as a convenience, do you not? A. I do. Q. Do you have occasion to take those stages? A. Occasionally. Q. Do you uniformly find them at the hours you desire to visit Wall Street inconveniently crowded? A. No, I haven't found them so; the distance is short and the time is short, and it is not very important; you can hang on to a strap if you get on. Q. Hanging on to a strap in a stage is rather an inconvenient position? A. Yes sir. Q. For a tall gentleman like you? A. Yes, sir. Q. It is not agreeable in a street-car, but it is much less agreeable in the stages? A. No, I think not; I think I would rather hang on to a strap in a stage than in a horse-car; there are not so
- 3039 many people treading on your toes. Q. What do you think would be the effect on real estate in Broadway, north of Canal Street— A. I am not familiar; I have very little business up Broadway; I hardly go there once a year, and I can hardly judge. Q. Do you not know that for several years past there has been a marked change in the character of business done on Broadway between Canal Street and Fourteenth Street? A. Yes, sir. Q. Do you not know that for several years past there have been several vacant stores, or parts of stores, in that locality? A. In a general way, I do. Q. Is it your opinion that a street railroad would tend to create more vacancies, or would supply tenants to those stores between Canal Street and Fourteenth Street? A. I can only judge by own opinion; I should vacate a store that was fronted by a railroad track, if I could find one that had not such a track. Q.

Suppose you were carrying on a retail dry goods business ; you would invite the street-cars to go in front of your door, would you not ? A. No, I don't think I would. 3040

Q. You would seek a store where street-cars were ? A. I would not seek a store with reference to a railroad track, but I would seek a store in a desirable location. Q. Ordinarily would you regard it a desirable location for a retail store where there were no street railroad accommodations ? A. As a matter of fact, the only desirable locations for retail stores in our line of business are in the upper part of the city where there are street railroads. Q. You know, as a matter of fact, that there has been a street railroad in operation on Broadway between Seventeenth Street and Forty-second Street for a number of years ? A. Yes, sir. Q. A great many years ? A. Yes, sir. Q. And during that time very large dry goods houses have been erected on that portion of Broadway ? A. Yes, sir. Q. Which have done a large and profitable business ? A. Yes, sir. Q. Do you not think a large portion of their patronage is afforded by the facilities of street-cars running in front of those stores ? A. Possibly. 3041

By Mr. Everts :

Q. Since you have been engaged in business here in the City of New York business has changed a great deal in different locations in the city, has it not ? A. Very materially. Q. Has the population also changed—the situation of it ? A. Yes, sir ; it has constantly moved up-town ; the retail trade has all gone up-town ; formerly there was retail trade down in this locality, but there is none at present ; it has all gone up-town ; this part of the city is all wholesale. 3042

By Commissioner Harris :

Q. Suppose the stages were all taken off Broadway and there was no railroad put on, what do you think the result would be ? Would there be more or less trucks and other vehicles on the street ? would they increase or diminish ? A. I think there would be more vehicles if the stages were not on ; I should think they would seek Broadway as a thoroughfare. Q. Do you think there are more trucks and vehicles now on Broadway than there used to be ? A. Very many more.

3043 *By Mr. Scribner :*

Q. What do you think a store would be worth on Fourteenth Street if there were no railroad there?

A. I have no idea; I don't know what they are worth now. Q. Do you think that any building

would have any sort of value for a store, in Twenty-third Street, if there were no street railroad there?

A. Certainly, I do. Q. In Twenty-third Street?

A. Yes, sir. Q. Is it your opinion that the construction of a street railroad in Broadway would operate to drive away a good many cabs from Broadway that now frequent it? A. The construction would drive them away; I never take a street that has a railroad track in it, if I can find any other; I always instruct the driver to go on another street. Q. Would it not relieve the necessity of the

citizens of New York from employing cabs, thus diverting that class of travel from Broadway? A. I think not. Q. All this is guess-work, is it not? A.

It is the best of my judgment. Q. Nobody can tell what the effect on Broadway is going to be until it is done, can they? A. I think you can judge pretty well.

By Mr. Everts :

Q. In your opinion do people who use cabs use horse-cars? A. It is a matter of convenience; whichever is the most convenient. Q. Do they

meet the demand of the same class of people, in

3045 your opinion? A. I cannot answer that question.

Q. What I want to get at is this: What is your opinion as to people who ride to-day in cabs, with reference to omnibuses—would they ride in cabs in preference to a street-car? A. I think they would, most certainly.

GEORGE C. CLARK, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Everts :

Q. Where do you live? A. In Seventy-third Street; West Seventy-third Street. Q. You are a member of the firm of Teft, Weller & Co.? A. Yes, sir. Q. What is the business of that firm? A. Im-

porting and jobbing dry goods. Q. Where is their business situated? A. All over the country. Q. I

mean your location here? A. 326, 328 and 330 3046
 Broadway. Q. That I believe is on the corner of
 Worth Street? A. No, sir; it is not on the corner;
 we have a T running into Worth and Pearl Streets.
 Q. Pearl Street is on one side of the block on which
 you are situated, and Worth Street is on the north
 side? A. Yes, sir. Q. You are on the east side of
 Broadway? A. Yes, sir. Q. Does your firm do a
 large business in that line? A. Yes, sir. Q. Do
 you employ a truckman, or do you use your own
 trucks? A. We employ a carman by contract. Q.
 And where do you ship your goods; where do you
 receive and ship them? A. We receive our goods
 in Pearl Street, but we have to ship them from
 Broadway. Q. How long have you been in that lo-
 cation? A. We have been there seven years. Q. 3047
 Where were you before that? A. 443 and 445
 Broadway, running through to Mercer Street. Q.
 You have an L running into Worth Street? Yes,
 sir. Q. And from there you ship your goods? A.
 We do not; we formerly did. Q. How long since
 you gave that up? A. I think it is nearly three
 years since; we gave it up on account of the rail-
 road track there; we were unable to ship our goods
 from Worth Street. Q. Was there a railroad track
 in Worth Street at that time? A. I think it was be-
 fore that; we were unable to ship our goods there,
 and we could only back up one truck at a time, and
 that was sideways, and we would never be able to
 do our business, if we had to ship our goods from
 Worth Street or Pearl Street; we frequently have 3048
 ten to twenty trucks loading at once, and there is
 no room for them. Q. Do you not use your en-
 trance on Worth Street to put out and take in goods?
 A. Everything goes out of there. Q. How do you
 get them on the trucks? A. By wheeling them on
 to Broadway. Q. All the merchandise taken in and
 out of your Worth Street entrance has to be moved
 by hand to Broadway? A. By hand to Broadway;
 simply on account of the railroad track in Worth
 Street. Q. In your opinion, what effect on the
 traffic of Broadway, and the convenience of your
 business, and that of others of a like character,
 would it have to put a double-track horse railroad
 on Broadway, from the Battery to Fourteenth
 Street, and have horse-cars operated thereon? A.
 I can only speak in regard to ourselves; it would
 be impossible for us to do our business with a street

3049 railroad there, I think; it would necessitate our securing other quarters, if we could find them. Q. If you could not find other quarters, and were obliged to remain where you were, the effect would be what? A. I think it would have the effect to reduce our business very materially.

Q. And, would it not increase your expenses very materially? A. It would very much. Q. What, if any, effect would it have, in your opinion, upon the rentals of Broadway property in your neighborhood? A. I think it would depreciate the rentals. Q. To what extent do you use Broadway in your business? A. We use, in fact, the whole block, except in front of one house, as we occupy the cellar and the basement under the Central National Bank, 50 feet by 3050 125, or 150 feet; we occupy the basement, and that gives us the use of the walks on Pearl and in front of the bank; we use the whole of that block in front, except one store above us, and 20 feet below us, in shipping our goods. Q. To what extent do you use Broadway, in transporting your goods to and from different points? A. I believe our carmen generally take Broadway, in taking goods to and from different places, to avoid railroad tracks; not so apt to be blocked.

Cross-examination by Mr. Scribner:

Q. Your store has an entrance on Pearl Street? A. We do not use it as an entrance; we use it for 3051 an elevator entrance, for receiving goods. Q. Your store opens on Pearl Street? A. 25 feet on Pearl Street; yes, sir. Q. And you likewise have an opening on Worth Street? A. Yes, sir; we have a hundred feet on Worth Street. Q. Is Worth Street a narrow street or a wide street? A. It is of ordinary width; I couldn't give you the exact width of the street. Q. You say you have frequently ten to twenty trucks loading at one time? A. Yes, sir. Q. Do you have those all backed up at right angles with the sidewalk? A. Yes, sir. Q. On Broadway? A. Yes, sir. Q. Does not that substantially block up for the purposes of passage of Broadway, the entire block? A. Oh, we don't block up the entire passage; we leave plenty of walk for passengers on our walk. Q. Still the walk is largely occupied with dry goods boxes? A. We generally have one row of cases. Q. How much of the carriageway of the street do you thus occupy with

your trucks backed up in the manner you have described? A. I couldn't give you the number of feet, because I am not conversant with that; some of our trucks are very long, and others are single trucks, not so long; we have eight or ten very long trucks. Q. While they stand there, they operate to obstruct the travel of that part of the carriage-way in front of your store, do they not? A. Yes, sir. Q. In front of that entire block? A. Yes, sir; while they stand there. Q. What is there on the opposite side of the street? A. William Simpson & Sons, and the Fairbanks' scales, and a woolen house. Q. Suppose they should assume to themselves the right which you claim to exercise, of having ten to twenty trucks backed up at right angles with the curb, those ten or twenty trucks standing so backed up at the same time that your ten or twenty were backed up at right angles, what would be the interval left for general travel between the heads of the horses on either side? A. Our horses are turned in; and the horse don't stand out facing the street. Q. What would be the space in Broadway that you gentlemen would then leave for the general public to travel on Broadway? A. If such a case should happen; which I do not think would happen, as they do not do the same business as we do, there would be room for a carriage to go through.

Q. Single file? A. Yes, sir. Q. That is all? A. Yes, sir. Q. Do you conceive that to be the use for which the highways are designed? A. I don't know anything about that; I know that we have business to transact, and we do it as well as we can, on the conditions we have; we couldn't do it without those conditions; that is all. Q. You know that in other cases, in other cities, dry goods stores are frequently so constructed as to do the business of loading and unloading on private premises of the merchants, do you not? A. I suppose so; I have heard of such cases. Q. That is so in this city in some instances, is it not? A. Very rarely. Q. Hasn't Mr. Claflin a store of that kind? A. Mr. Claflin has; and Garner & Co. have, I believe—but, Claflin does not receive or deliver all his goods on private property, by any means; that I know from personal observation. Q. About how long, or about how many hours of the day do your trucks usually monopolize Broadway when

3055 they are loading? A. I don't think they monopolize it at all. Q. They do when they are backed up that way, do they not? A. I say at times there are ten to twenty trucks backed up; but, they are coming and going all the time. Q. How many hours a day do you keep them backed up in that way? A. In our busy season they are loaded up at night, and backed up; and started off at seven o'clock in the morning. Q. How many hours do you usually monopolize Broadway that way? A. Nearly all day, from seven o'clock in the morning. Q. So far as the public is concerned, there might as well not be any Broadway during those hours? A. It is not all occupied at once; sometimes they are there for half an hour; and then again they wouldn't be

3056 there for fifteen minutes; then they come and back up again. Q. But it frequently happens that you have ten to twenty trucks backed up that way, occupying the entire track? A. We do not occupy the entire track; there is always space for another truck to back up. Q. Your store is located where? A. 326, 328, and 330 Broadway. Q. With reference to what street—the corner of Pearl Street? A. No, sir; there is a small store—there are three stores in fact, between Pearl Street and us. Q. That is south of Canal Street. A. South of Canal Street. Q. You stated that you thought the rental value of property would be depreciated south of Canal Street by the construction of a railroad? A. I think it would. Q. Are you familiar with

3057 Broadway between Canal Street and Fourteenth Street? A. Only as a casual observer; I very seldom go by. Q. Do you know that for a good many years past there have been several vacant stores between Canal Street and Fourteenth? A. Yes, sir. Q. Do you not think if there was a railroad constructed on Broadway it would have the affect to fill up those stores? A. I don't think so. Q. Would it surprise you if you should find it would? A. It would. Q. What is the matter of Broadway above Canal Street— A. I don't know; we were above Canal Street for eight or ten years, and we found we were a little too high up. Q. What is the matter of Broadway between Canal Street and Fourteenth Street, that tenants do not go and occupy those stores? A. In some cases, the landlords ask too high rent; I believe that is the case with some. Q. Do you know the fact that within a year or two past Brooks Brothers have moved from Bond Street

and Broadway, where there was no street railroad, 3058
to a point on Broadway, near Nineteenth Street,
where there is a street railroad. A. Yes, sir.

Q. Do you know the fact that the large carpet
store of Sloan Brothers has been moved from the
place it occupied above Bleecker Street, where there
was no railroad, to a point on Broadway where a
railroad has been in operation for the last 20 years?
A. Yes, sir. Q. Do you know that fact? A. I
know that fact. Q. Do you know the fact that
within a few years past pretty much all the retail
stores on Broadway south of Fourteenth Street have
moved from their former location, where no railroad
existed, to points on Broadway or other streets
above Fourteenth, where street railroads are in regu-
lar operation? A. Yes, sir. Q. You know that 3059
fact? A. I know that fact. Q. Suppose you wanted
to go from your store, No. 326 Broadway, to Wall
Street, would you not find the street railroad a con-
venience? A. No, sir. Q. Would you prefer to go
afoot? A. I would, decidedly; I have occasion to
go down to Wall Street quite often. Q. Would
you walk on the ground of health and for exercise,
or for convenience? A. Because I could go quicker.
Q. On foot? A. On foot. Q. Ordinarily, does a
street-car go slower than you can walk? A. It has
usually been my experience, down town here, that
if I wished to go down town anywheres I could go
much quicker by walking, because of the constant
obstruction of street-cars. Q. Did you ever ride in
a street-car on Broadway? A. I have, up town; 3060
not down town, of course. Q. On Broadway below
Fourteenth Street, can you walk faster than street-
cars run? A. I don't know that I could; I have
never had occasion to try it. Q. Do you not know
that you cannot? A. I don't think I could, unless
they were running very slow. Q. It would be some-
thing very extraordinary if a street-car didn't beat
you, would it not? A. It would. Q. Do you have
occasion to patronize the stages on Broadway? A.
Yes, sir. Q. Do the 210 stages now on Broadway
form any obstruction to travel? A. I think not.
Q. You think the passage of other vehicles is not
hindered in any manner by the presence of stages?
A. I think not; I don't think they would be as
much as by street-cars. Q. I didn't ask you that;
I was asking you whether, in your opinion, the 210
stages now running on Broadway contributed in any

- 3061 manner to the blockading of that street. A. I don't know that they do. Q. You think they do not? A. I haven't noticed any blocks lately in Broadway. Q. Were you familiar with Broadway 20 years ago? A. Yes, sir—25. Q. Do you not know, as a matter of fact, that blocks on Broadway are much less serious now than 25 years ago? A. I think they are. Q. You think they are less? A. Yes, sir. Q. Is it not a rare thing to see a blockade on Broadway now, a solid block such as we used to see 20 or 25 years ago? A. I don't remember seeing a solid block for a number of years. Q. But you do remember 20 years ago, when the various stage lines were in operation, that it was a very frequent thing to see a blockade on Broadway from Fulton
- 3062 Street to Wall Street? A. I think it was. Q. Can you remember an instance when you have seen anything of that kind lately? A. Yes, sir; I think I can. Q. When? A. Within 10 years. Q. Within 9 years, have you seen a blockade of that kind? Possibly not for 9 years.

By Mr. Evarts :

Q. Do you have occasion in your business to deliver goods on Broadway to customers? A. Very seldom; we deliver most of our goods to freight lines and expresses.

By Mr. Scribner :

- 3063 Q. And in delivering your goods to the freight lines, there is not a freight line you can name that you don't have to travel on railroad tracks to go to? A. We have to cross railroad tracks.

By Commissioner Harris :

Q. How many trucks can you put on your Broadway front? A. I don't know exactly how many we could put; our front is 75 feet on Broadway; that is our own building; and we lease 50 feet of the bank; that is 125 feet. Q. How many trucks do you have? A. I think there are 18 or 20. Q. How many cases of goods can you ship by trucks—take away—in an hour, suppose you had all the trucks you could possibly use, one after another? A. That I couldn't tell you; I have no idea. Q. Suppose you sell goods to-day, when are they packed up and

ready to take away? A. Possibly this afternoon; 3064
perhaps not until to-morrow morning; just as
quickly as possible.

JAMES T. YOUNG, called as a witness on behalf
of Mrs. Boreel and the Board of Trade and Trans-
portation, being duly sworn, testified as follows :

By Mr Everts :

Q. What is your age? A. 55. Q. Where do you
live? A. 776 Madison avenue. Q. How long have
you lived in New York? A. 30 years. Q. What
is your occupation? A. President of the New York
Dyeing and Printing Establishment, 98 Duane
Street? Q. That is a corporation? A. Yes, sir. Q. 3065
How long has it been in existence? A. About 60
years. Q. How long have you been connected with
it as president and otherwise? A. Forty. Q. Of
what does your business consist? A. It consists of
dyeing goods for manufacturers and merchants. Q.
Where is it located? A. Staten Island? Q. You
have works on Staten Island? A. Yes, sir. Q.
And do you have an office and warerooms in New
York? A. We have an office in New York—Duane
Street and Broadway. Q. What do you occupy
there in Duane Street? A. We occupy the first
floor and basement story. Q. For what purposes?
A. For the purpose of receiving and delivering
goods. Q. You receive there the goods which are
to be sent to your works, and you receive there also
the goods which come from the works? A. Part of 3066
them; some we deliver directly to the warehouses.
Q. How long has that building been occupied by the
corporation of which you are president? A. About
25 years. Q. Do you do your own trucking, or do
you do it through contract? A. We do our own
trucking. Q. How many trucks or wagons do you
employ? A. We employ two trucks and two
wagons; and then when we are busy we have the
assistance of the trucks from Staten Island in addi-
tion. Q. You have other trucks on Staten Island
than those you speak of that you employ in this
city? A. Yes, sir. Q. To what extent in your busi-
ness do you use Broadway in the transportation of
goods? A. As we are situated we use it—a very
large percentage of our business goes over Broad-
way between the Battery and Canal Street; a large
portion of it.

- 3067 Q. Do you deliver goods in all parts of the city ?
 A. Yes, sir. Q. You are and have been familiar with Broadway and the amount of traffic thereon for many years? A. Yes, sir. Q. What effect would it have upon that travel, in your opinion, if a double-track railroad were laid from the Battery to Fourteenth Street, and cars were operated thereon in the usual way in New York City? A. In the highest degree injurious, and very detrimental to the commerce on Broadway. Q. Why do you have this opinion? A. You take Church Street, for instance, as an example ; we can see that many parts of the day the street is entirely taken up, and the railroad tracks are blocked ; it is impossible for goods to be unloaded and for passengers and freight or trucks and carts to pass through there ; at almost
 3068 any time of the day you will notice a large number of cars and trucks completely blocked, and they can't get along ; it would have the same effect in Broadway. Q. Do you think it would be possible for the amount of business that is done on Broadway to-day to be performed if two railroad tracks were placed there ? A. I do not. Q. Is there any other street running up and down parallel with Broadway that could be used by trucks and other vehicles if they were obliged to leave Broadway? A. Practically not. Q. Where there are no horse-car tracks? A. Practically not. Q. Do you have occasion in your business to deliver goods along Broadway? A. Yes, sir. Q. And, for that purpose it is necessary, is it not, for your trucks and wagons to draw up alongside the curb and stop to deliver? A. Yes, sir. Q.
 3069 Would it have an effect, with a railroad track such as I have described between the Battery and Fourteenth Street, and if so what, upon the rental value of property below Canal Street on Broadway? A. It must be that it would depreciate it for commercial purposes very materially.

Cross-examination by Mr. Scribner :

Q. Did you know Church Street before the dry goods houses that now exist on that street were built? A. Yes, sir. Q. Will you not state to the Commissioners what the character of the buildings on Church Street was before the present dry goods houses were built? A. Yes, sir ; it was a street that had a very very bad repute ; it was not a com-

mercial street at all. Q. No, it was infested with people of a disorderly class, was it not? A. Yes, sir. Q. It was built up on both sides with low two-story dilapidated brick structures? A. Yes, sir. Q. And those dilapidated brick structures were inhabited by the abandoned characters to which you have referred? A. I believe so. Q. And that existed at the time of the construction of the Broadway and Seventh Avenue Railroad, did it not? A. I think the Broadway and Seventh Avenue Railroad, so far as my recollection serves me, was not built until after it was a business street.

Mr. Scribner : I think you are mistaken about that.

The Witness : I may be.

Q. According to your recollection, about how many years is it since the railroad track in Church Street was put down? A. I think it was about fifteen years. Q. Was it not in the year 1864? A. You may know perhaps by the record, but I have only a memory. Q. I do know that fact; it was built in 1864; the stores that are now built in that street have been built within the past fifteen years, have they not? A. No, sir; they were built before 1864; we built our store in 1860, and it was a dry goods district at that time.

Q. In Church Street were there any of the present stores standing twenty years ago? A. I think there were; when we built our store in 1860 it was a dry goods district. Q. How good is your recollection about it; is your recollection good enough to enable you to say as a fact that those stores at present existing were built there before the railroad was put through? A. I can say as positively as any thing else that I have not refreshed my memory upon. Q. Do you remember about it; do you say the stores were built first or the railroad first? A. I say they were built first, before the railroad was. Q. How about Mr. Claflin's store? A. Mr. Claflin's store I am sure was. Q. Those stores are all occupied on Church Street, are the not; on Church Street? A. Yes, sir. Q. They have been all occupied for the last twenty years, or, at all events, they have been all occupied since they were built? A. Yes, sir. Q. They have been occupied by dry goods people? A. Yes, sir. Q. And they are carrying on a large business? A. Yes, sir; I presume so. Q. Do you not know so—a very large dry

- 3073 goods business, in Church Street? A. Yes, sir. Q. And Church Street is a specially narrow street, is it not? A. Yes, sir. Q. Not more than quarter the width of Broadway, is it? A. Yes, sir; I should think Church Street was 50 feet wide, while Broadway is 100; that would be half. Q. How as to the carriageway; do you say that Church Street is half the width of the average carriageway of Broadway? A. I should think so. Q. We have got it then, as a fact from you, have we, that the railroad has existed twenty years or thereabouts in Church Street, and a large dry goods business has been carried on all that time? A. Yes, sir. Q. So far as you know, have not Church Street cars been operated with regularity through that street? A. They have not. Q. Do you know what the running time of the Broadway and Seventh Avenue Railroad is on their up tracks? A. I do not; I know if I wanted to go to Canal Street it would be the last way I would ever attempt to go by.

Mr. Scribner: I presume you would have your private carriage?

The Witness: No, sir.

By Mr. Scribner:

- Q. I am speaking of a man who has only got five cents? A. Well, that is my case. Q. Those are the people we are trying to accommodate; now, you have stated that the rental value of property would be depreciated by the construction of a road, in your opinion? A. Yes, sir. Q. Do you refer to 3075 property on Broadway in any particular locality? A. More particularly below Canal Street. Q. Do you not think that between Canal Street and Fourteenth Street the construction and operation of a railroad would tend to largely increase the rental value of property? A. I do not. Q. Do you not think that the construction and operation of a railroad between Canal Street and Fourteenth Street would fill with tenants the now vacant stores on Broadway? A. I do not. Q. Would you be surprised at that result? A. I would. Q. Would you say that the construction of a railroad on Broadway between Fourteenth Street and Canal Street would depreciate the rental value of property in that location? A. I do. Q. Are you a foe to street railroads in general? A. No, sir; they are very beneficial to some streets.

Q. You know that the growth and prosperity and

increase in the value of real estate in the City of 3076
 New York has been largely due to the construction
 and operation of horse railroads, do you not? A.
 The upper part of the city I do; yes, sir. Q. You
 think there is no doubt about that, do you? A. No
 doubt about that. Q. What is your recollection
 about the state of Broadway now as compared with
 its condition 20 years ago? A. You mean as to the
 traffic in it? Q. As to the traffic in it. A. I don't
 think the traffic in it has increased any in 20 years.
 Q. Has it not diminished? A. No, sir; I don't
 think it has. Q. I speak of the number of vehicles?
 A. There are less stages. Q. Were you familiar
 with the old Consolidated Stage Company, or its
 various lines of stages? A. Not particularly; no.
 Q. Do you know how many lines of stages there 3077
 were running on Broadway in the year 1860? A. I
 do not. Q. You know there were a good many
 more than there are now? A. Yes, sir. Q. And
 you know that the removal of those lines of stages
 tended very much to facilitate travel in Broadway?
 A. It would naturally. Q. You know that as a
 fact, without regard to an opinion about that? A.
 Yes; I suppose I do. Q. You know where block-
 ades were in the habit of being created, and existed
 for hours together, that such a thing as that now is
 very infrequent indeed, do you not? A. It is much
 more infrequent than it formerly was. Q. It is very
 much less frequent than it was 20 years ago? A. I
 think it is. Q. Do you know of any other cause
 that has contributed to the relief of Broadway in 3078
 the matter to which I have alluded, except the with-
 drawal of stages? A. Yes, sir; the removal of the
 steamship lines up-town has tended a great deal to
 take the traffic from the lower part of Broadway.
 Q. The removal of the stages has been the principal
 element of that, has it not? A. It has been an ele-
 ment, but that is one element only. Q. Those blocks
 usually occurred below Chambers Street? A. Yes,
 sir; for the reason that above Chambers Street they
 divided off. Q. And there were no wholesale dry
 goods houses below Chambers Street? A. Yes, sir.
 Q. In 1860? A. Broadway and Warren Street and
 Chambers Street were full of them. Q. You are
 willing to state that the removal of stages from
 Broadway about the year 1864 did contribute to the
 relief of Broadway? A. I have no doubt of it. Q.
 The removal of the existing stages, amounting to

307) 210, from Broadway would tend to relieve it further? A. I have no doubt about that; they take a certain space, of course. Q. They are a lawless set? you never know where to find the stages; when they ought to be on the right-hand side they often are found on the left-hand side? A. Yes, sir; it frequently happens. Q. And that is not the case with the street car? A. No, unfortunately. Q. You know just where to find them? A. You know where to find them.

By Mr. Everts:

Q. Would the 210 stages on Broadway obstruct the traffic as much as 50 horse-cars? A. I think the 50 horse-cars would obstruct it more than 210 stages; 3080 you would have the 50 horse-cars in one position a very large part of the time, in my opinion; the stages can worm in and worm out.

Q. Are you more or less familiar with the large stores on Church Street that Mr. Scribner referred to? A. Yes, sir. Q. Do you know whether these establishments use Church Street to load and unload their trucks in? A. They do. Q. Are not these large stores on the corner of some building? A. Most of them are; there are some, however, that are in the centre of the block. Q. Are not most of them able to use a side street in which there is no railroad, to load and unload? A. Yes, sir. Q. Do they, in your opinion, do so? A. Those on the corner do; yes, sir.

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E. W. WOOLLEY, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Everts:

Q. Where do you reside? A. Jersey City. Q. What is your business? A. Manager of Hall's Safe and Lock Company. Q. Where is your business carried on? A. 279 Broadway. Q. Of what does it consist? A. Of safes—fire-proof and buglar-proof safes. Q. Selling and delivering? A. Selling and delivering and bringing them there. Q. Receiving and delivering? A. Yes, sir. Q. Where are these safes manufactured? A. In Cincinnati. Q. Office and warerooms in 279 Broadway? A. Yes, sir. Q. From which place they are transported to

your customers? A. Yes, sir. Q. Do you deliver safes all over the city? A. Yes, sir. Q. What proportion of your safes are delivered on Broadway? A. I could hardly say what portion are delivered on Broadway; of course there are quite a number. all of our goods, however, we have to take into the store on Broadway, and take out of the store on Broadway on our trucks. Q. How many trucks do you employ in your business? A. From one to three; three a good deal of the time. Q. Do you own your own trucks, or do you hire them? A. No, sir. Q. You contract with a truckman? A. Yes, sir. Q. To what extent do you use Broadway below Fourteenth Street in transporting your safes? A. A great deal; our trucks are obliged to go on Broadway, because our loads are very heavy and the side streets are some of them not as well paved and the street-cars interfere with them on some of the streets—get blocked up a good deal. Q. Horse-car tracks are an interference with travel in trucking heavy loads? A. Yes, sir; of course the drivers don't like to go on car tracks at all, if they can help it. Q. What effect would it have upon your business if a double track horse-railroad were placed on Broadway between the Battery and Fourteenth Street, and the cars were operated there in the usual manner? A. I think it would seriously interfere with our business. Q. What effect would it have on the general traffic of Broadway in your opinion? A. I think it would cause blocks frequently in front of our store, extending north and south. Q. Would it be possible to carry on your business on Broadway, in your opinion? A. Well, I suppose it would be possible; but it would interfere with it to a large extent. Q. Would it increase the cost? A. It would increase the cost of handling our goods, and perhaps prevent us from delivering goods when they should be delivered, and also from receiving goods when they should be received.

Cross-examination by Mr. Scribner:

Q. How long have you lived in Jersey City? A. About three years. Q. You pay your taxes in Jersey City? A. I do; yes, sir. Q. You pay none in New York? A. Not individually; no, sir. Q. Is the Hall Safe and Lock Company a corporation? A. It is. Q. A corporation of what State? A. Of the State of Ohio. Q. Not a corporation of the State

3085 of New York? A. No, sir. Q. It pays no taxes to the City of New York, either does it? A. It pays the city taxes. Q. It pays city taxes for what? A. On personal property. Q. Are you sure of that? A. Yes, sir. Q. A foreign corporation paying taxes to the city here? A. Yes, sir. Q. Who is the man connected with that company who would know best about that? A. Would know best about their paying taxes? Q. Yes? A. I am. Q. When did you ever pay any taxes on personal estate to the city? A. I think the last payment was made in November, 1884? Q. Did you ever pay it before the last year? A. No; I beg to correct that; it was paid within the last thirty days. Q. Did you ever pay any before this year? A. Yes, sir. Q. How long
3086 are your trucks? A. I don't know the exact length of the trucks; the truck occupies 16 feet from the curb, when it is backed up. Q. 16 feet? A. Yes, sir. Q. Do you require any larger truck than the other safe men who have been here? A. I don't know what the size of their trucks are. Q. Do you know that your truck is 16 feet long? A. The man measured it to-day, and so reported to me. Q. You didn't measure it yourself? A. I didn't measure it myself; no, sir. Q. When it stands backed up to the curb, how much of the body of the truck, or of the floor of the truck, overhangs the sidewalk? A. I couldn't tell you. Q. It does some, does it not? A. It does some, yes. Q. What I want to find out is how much, when your truck is backed up at right
3087 angles, the platform overhangs the sidewalk; what is the projection of the truck from the curb into the street? A. Sixteen feet is what was told to me; I asked them to measure it, and that is the report. Q. He measured the entire truck? A. No, sir; he measured from the tires of the hind-wheel where they struck the curb to the front of the hub, when the horses are standing at right angles with the truck. Q. Did you see him measure it? A. No, sir. Q. You don't know anything about what he actually measured? A. I am not positive; no. Q. Isn't 13 feet a long truck? A. That I am not able to judge of; I don't know the size of the trucks. Q. Isn't 16 feet an unusual and unnecessary size of trucks? A. That I don't know; I don't think our truck is any too large for our business. Q. Are your trucks any larger than Marvin's trucks? A. I couldn't say. Q. At all events, if they are, you

know of nothing that would make it necessary for you to have longer trucks than Marvin uses, do you? A. No, I don't know why they should be any longer than his. Q. Where is your place of business now? A. 279 Broadway. Q. Do you know what the width of Broadway is in front of 279? A. Yes, sir. Q. How wide is it? A. 42 feet. Q. Is it wider or narrower than where Marvin's place is? A. That I couldn't say. Q. Do you say that there is any necessity at all for the use of any truck in your business that could not stand backed up at right angles with the sidewalk in front of 279 Broadway, if double railroad tracks were laid in the centre of the street, occupying 15 feet only from outside to outside? A. The track occupying 15 feet!

Q. Yes? A. I don't think a truck could stand there. Q. Do you know that Herring carried on a large business in the safe business in this city with a factory surrounded on three sides with street railroad tracks for a good many years? A. Yes, sir.

By Mr. Evarts:

Q. Do you know how far the street-car tracks were from the curb, in the neighborhood of Herring's factory? A. I do not; no, sir. Q. Who measured your trucks? A. My head teamster and two assistants. Q. Could he come here and testify as to the measurement? A. Yes, sir. Q. Could he come as soon as you get back? A. Yes, sir. Q. Will you send him over? A. I will. Q. You say it took three men? A. Two men and himself.

Mr. Scribner: One man will do; send us the most intelligent man in the lot.

The Witness: Yes, sir.

By Mr. Scribner:

Q. I want to ask you another question; what is the usual way when delivering a safe on Broadway; to deliver them before or after ordinary business hours? A. No, sir. Q. Do you not frequently select a morning or evening hour, when there is very little travel in the street? A. No, sir, we always consult the wishes of our customers in that respect. Q. You do deliver safes in streets where there are street-cars, do you not? A. We do sometimes; yes, sir. Q. You have sold a good many safes up in Grand Street, have you not? A. Yes;

3091 some. Q. There is a double street-car line running through that entire street, is there not? A. I suppose there is.

By Mr. Evarts :

Q. About how long does it take to put a safe into the fifth story say, of a building? A. It would take longer under some circumstances than others. Q. Can you give us a general idea?

Mr. Scribner: He would want you to give him the measurements of the safe.

Q. (*Mr. Evarts*): An ordinary, good-sized safe? A. Probably from two to four hours; that is from the time we commenced to put up the rigging until we are ready to get away again.

3092 *By Mr. Scribner :*

Q. Is a safe an article that your customers are in the habit of buying every day or two; or when they get one, does it sometimes last them a lifetime? A. We have some customers who buy from us quite often, and, others we never see again. Q. You ordinarily do not expect to sell a safe a second time to the same man unless he burns it up, do you? A. No, sir; not always.

Mr. Evarts : If your Honors please, I desire to put in on the record here a petition of the Broadway Surface Railroad Company, the plaintiff here, to the Common Council, dated 30th of last June, asking permission to build this road on Broadway; 3093 also, a resolution of the Board of Aldermen, dated August 6th, 1884, which was passed upon the application of that petition, giving them the permission asked for; I have those two papers in print here.

GEORGE W. BROMHEAD, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

By Mr. Evarts :

Q. What is your business? A. I am a truckman. Q. Do you do trucking for Hall's Safe and Lock Company? A. Yes, sir. Q. In that business do you use large trucks? A. We use large trucks; yes, and small ones too. Q. Do Hall's Safe and Lock Company employ the same size trucks that safe men generally do here in New York? A. Yes,

sir. Q. No larger and no smaller? A. About the same, I suppose; I never measured them exactly. 3094
 Q. Have you recently measured one of the trucks ordinarily used by you in that business? A. Yes, sir. Q. When standing backed up to the curb, with the front wheels turned around at right angles, what measurement did you take? A. It measures 13 feet. Q. From what point to what point? A. Where the hind wheels strike the curb up to the hub of the front wheel. Q. You made that measurement this morning? A. I made that measurement this morning. Q. It is 13 feet 6 inches? A. 13 feet. Q. Was the truck you measured the largest that is employed in your business? A. No, sir; I have got one larger than that. Q. How much longer is that? A. I should judge a foot longer. Q. So that it would take up a foot more space when turned in 3095
 that position? A. Yes, sir.

Cross-examination by Mr. Scribner :

Q. You didn't tell Mr. Woolley that that truck measured 16 feet, did you? A. I did, because I measured from the tail of the truck up to the hub of the front wheel. Q. Does the tail of the truck, when backed up, project over the curb? A. It projects over the curb and sidewalk. Q. How much? A. About 18 inches; that is, I should say about: I don't know exactly. Q. You have trucks smaller than that? A. Yes, sir. Q. Did you ever measure this other truck that you say is larger? A. No, sir; it is up at the stable; I haven't had a chance to measure it. Q. Do you know that it is a little larger? A. I know it is larger; yes, sir. Q. This 3096
 13-foot truck is big enough for all the purposes of your business, is it not? A. Not always; no, sir. Q. You use smaller trucks? A. We use smaller trucks; yes, sir. Q. How many trucks have you got altogether? A. Three. Q. If your truck was backed up against the curb, all the space you want is 13 feet space? A. That is all I want; yes, sir.

By Mr. Everts :

Q. You have measured this same truck twice, have you not? A. I have measured it twice; yes, sir. Q. When you reported it as 16 feet, that was the measurement from the extreme end of the tail? A. From the extreme end of the tail of the truck to the point of the hub of the front wheel. Q. You

3097 understood that you were asked to take that measurement? A. That is the way that I understood that I was to measure it first. Q. That is three feet longer than from the place where the wheel strikes the curb, to the hub of the front wheel? A. It must be, according to that measurement.

Q. Then does not the tail of your truck extend three feet over the pavement? A. Well, I don't know as it does; it must be according to that measurement; of course, I didn't measure from the back part of the hind wheel to the tail of the truck.

By Mr. Scribner :

Q. You would take all the chances of a collision between one of your trucks loaded with a safe and a
3098 street-car, would you not? A. No, sir, I wouldn't; I know a street-car bothers a great deal, sometimes; we have to hurry up. Q. In case of a collision, I say, between one of your trucks and a street-car, which would be likely to get hurt most? A. You mean a collision in driving past? I thought you meant backed up. Q. No; which would be likely to get hurt the most in that case? A. The car would get hurt the worst, and my pocket would get worse than the cars.

By Mr. Everts :

Q. How would your pocket be hurt? A. They might come on me for fine. Q. The street-car has
3099 the right of way? A. The street-car claims the right of way.

By Mr. Fuller :

Q. How long have you been in the trucking business? A. About nineteen years. Q. Suppose a railroad occupied 15 feet in the centre of Broadway, and the street is 44 feet wide; that leaves 14½ feet on either side of the road; that would leave plenty of room for a car to pass your truck, when backed up, would it not? A. I should think so. Q. Where could you pull the heaviest load—on a railroad track or on the pavement? A. I always go for a street where there ain't no railroad tracks when I have a heavy load, if I can find it. Q. Where could your team pull the heaviest load—on a railroad track or a street pavement? A. On the pavement. Q. A heavier load than on the railroad?

A. They could if they were going right along with 3100 a straight road ; if we can find a street without a railroad track, I always take that in preference to one with a track, any time, with a heavy load. Q. I admit that, but I want to get at your experience ; where would your horses haul the heaviest load—on a railroad track or on the pavement ? A. On the pavement.

By Commissioner Lord:

Q. Do you object to going on a railroad track on account of turning out ? A. Yes, sir. Q. Suppose a track was laid there on Broadway, and a carriage or your truck—no matter how much the weight was that was on it—did not have to turn off, would that track be any objection ? A. No, sir ; it would not. 3101

W. A. PARSONS, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

Q. You are a member of the firm of W. H. Parsons & Co. ? A. Yes, sir. Q. Where is your place of business ? A. No. 66 and 68 Duane Street. Q. What is the business of that firm ? A. We are paper merchants. Q. How long has that firm been in existence ? A. Some thirty odd years. Q. You have been connected with it all that time ; A. Yes, sir. Q. Does your firm do a large business in your line ? A. Yes, sir. Q. Of what does that business consist ? A. Well, the selling and distribution of large quantities of paper and other material in connection with the business. Q. Does your firm also manufacture, or does it simply distribute ? A. We have manufacturing interests. Q. In this city that business consists, I suppose, of the receipt and shipment of goods ? A. Yes, sir. Q. From the lines of railway and shipping to and from your place of business at Duane Street ; A. Yes, sir, the distribution of goods here in New York. Q. Does your firm own the trucks that are employed in that business ? A. Indirectly. Q. You contract, I suppose, with the truckman for the trucking ? A. Yes, sir ; we have a party who does our business ; they are virtually under our control ; the ownership of them is in the hands of another party. Q. To what extent do those trucks, employed in 3102

3103 carrying on business, use Broadway? A. To a very considerable extent; we are carting goods up and down the city and across the city. Q. How would it affect your business and business generally of that character if a double track horse railroad were placed on Broadway between the Battery and Fourteenth Street and cars were operated thereon in the usual manner? A. I consider that a railroad in Broadway would be detrimental to the interests of the business community of the city. Q. Why is that your opinion; what reason have you for that opinion? A. I think that they would form a barrier in Broadway, which is an avenue running from the lower part of the city up to Fourteenth Street, from which the streets radiate, and I think if you create a block or impediment, or
 3104 barrier, you create to some extent an interference with business. Q. You consider that a railroad track and cars operated upon it would be a barrier and impediment? A. I think it has proven so in every case where there is one. Q. Do you consider it important that Broadway should be kept free throughout its length between Fourteenth Street and the Battery because of its being a thoroughfare? A. That is my opinion. Q. Do you own any property on Broadway? A. Not on Broadway; no, sir. Q. Do you own any in the lower part of the city? A. I own property on Duane Street. Q. Do you think that a railroad through Duane Street would be an improvement to your property? A. I feel that
 3105 it would be a very considerable detriment; to such an extent that when I was solicited to grant permission to have rails laid in front of my property I stated I would not consider it unless I was very handsomely compensated. Q. In your opinion would the laying of railroad tracks on Broadway between Fourteenth Street and the Battery have any effect, and if so, what, upon the rental value of property on Broadway? A. In my opinion it would depreciate the value of Broadway property.

Q. Does your business require, or does a part of your business consist of delivering merchandise to places on Broadway? A. Yes, sir; we have a number of parties who are on Broadway who are customers. Q. In order to deliver goods to them, it is necessary for your trucks to make a stay in front of their places to deliver their goods for a greater or lesser length of time? A. Yes, sir.

Cross-examination by Mr. Scribner :

3106

Q. Are the packages of paper, which you deliver, little or heavy? A. They vary a good deal. Q. What is the heaviest and what is the lightest? A. We deliver rolls of paper that weigh a thousand pounds. Q. Is not that uncommon? A. No, sir. Q. Do your trucks usually back up or drive up sideways? A. Always back up unless it is a small package. Q. What is the size of your trucks? A. I could not tell you; they are large two horse trucks. Q. They are not the largest sizes of trucks, are they? A. There may be larger ones; we have different sized trucks, and those what we have in general use are large sized trucks. Q. When they are backed up does the platform of the truck overhang the sidewalk? A. To some little extent. Q. 3107 Do you know what the projection is of your truck into the street when so backed up against the sidewalk? A. No, sir. Q. So that you do not know what space you require in Broadway for backing up trucks of that kind? A. No, sir. Q. Have you ever had any considerable dealings in real estate, and the renting of real estate? A. I have been a merchant here for thirty-five years. Q. Do you know that the rental value of Broadway property, between Canal Street and Fourteenth Street, has largely depreciated within recent years? A. Yes, sir. Q. Do you think that the construction and operation of a railroad, between Fourteenth Street and Canal Street, would still further depreciate the rental value of that property? A. It is my impres- 3108 sion so. Q. Would you be surprised, then, if the construction and operation of a railroad, between those points, should have the effect to fill up the vacant stores, and increase the rental value of the other stores in that quarter of Broadway? A. Yes, sir; I should be surprised. Q. If you wanted to go from Duane Street to Wall Street, would you regard a street railroad as a convenience? A. Under certain circumstances I might do so. A. A gentleman in Wall Street, desiring to visit your store, would find a street railroad a convenience in Broadway, would he not? A. That would depend very much upon whether he cared to ride or walk. Q. If he desired to ride he would find a street car very much of a convenience? A. I should think he would; yes, sir. Q. How long have you been a merchant in New York? A. Since about 1851 or 1852. Q. Do you

3109 call to mind the condition of Broadway as it usually existed twenty-five years ago? A. Yes, sir. Q. What do you say was its condition twenty-five years ago, in respect to crowds and blockades, as compared with its condition at the present time? A. I think it was worse than at present. Q. Do you call to mind the various lines of omnibuses that were running in the year 1860 that have since been withdrawn? A. I know they have, a number of lines of omnibuses, been withdrawn. Q. In other words, you know that they are running at the present time a very much less number of stages than were running in the year 1860? A. Yes, sir.

Q. Has that been a large element in facilitating travel in Broadway, according to your notion? A. 3110 I think it has been an element; I do not know that I should wish to qualify it by saying "large." Q. The vehicle of all other vehicles that occupies the most space in Broadway, and is the most troublesome to other vehicles, is the stage, is it not? A. I am not prepared to say that. Q. Are you prepared to say that it is not the vehicle of all others that obstructs Broadway the most? A. No, sir. Q. Stage drivers, as a rule, are rather a lawless set, in respect to the position in Broadway that they occupy? A. They are independent. Q. You find them on the wrong side of Broadway frequently, do you not? A. I do not know that they know it is the wrong side. Q. You find them all over? A. Yes, sir. Q. A stage coming up town, which ought 3111 to be on the right side of Broadway, will be frequently found on the other side? A. Occasionally. Q. That tends to produce confusion in the street, does it not? A. I should think so. Q. And tends to obstruct the street? A. I so assume. Q. I want to go back to twenty-five years ago; was it not a common occurrence in the year 1860, and thereafter down to perhaps the year 1864, when the Broadway and Seventh Avenue Railroad Company commenced running, for blockades to exist between Chambers Street and Wall Street for hours together—an immovable mass of vehicles in Broadway? A. At or about that period, it was not unfrequent at certain hours of the day to see Broadway blockaded. Q. An inextricable mass of vehicles standing there for a long time—a long period? A. What do you mean by "long period?" Q. Half an hour or an hour at a time sometimes? A. I should hardly say

immovable for that time. Q. At all events, those 3112 blocks were a very frequent occurrence at about the time I speak of? A. They were, Q. And you have not seen anything of that kind for how long? A. Oh, well, I have seen blocks in Broadway within a few years. Q. Not in a number of years, have you? A. I should think so; not as serious as those. Q. Not as serious, and not of so long duration? A. No. Q. Do you know of anything which has contributed so much to the relief of Broadway and to the prevention of the frequency of the occurrence of those blocks as the removal of the stages of the Consolidated Stage Company? A. I think it has been due to a number of causes; that was one. Q. What other causes can you think of, tending to the relief of Broadway, than the removal of the stages? A. Lower Broadway you are speaking about? Q. 3113 Broadway, south of Canal Street? A. Within twenty five years a good deal of business has moved up. Q. Is it true, as has been testified by some witnesses called on your side of the case here? A. I haven't any side in this case. Q. On the same side on which you are called; is it true that the number of vehicles in New York has increased largely in the last twenty-five years? A. I hardly think that the number of vehicles using—— Q. I mean business vehicles? A. Yes; I hardly think that the number of vehicles using Broadway, below Duane Street, has largely increased. Q. The business of New York has largely increased in the last twenty-five years? A. Very largely; but I think 3114 it is more distributed than it was twenty-five years ago.

Q. There is no doubt in your mind that there are more vehicles in New York now than there were twenty-five years ago? A. There is no doubt about that. Q. Have you any idea about the proportion? A. No, sir. Q. But, nevertheless, you agree with me that the blocks in Broadway, and the crowds in Broadway, are much less now than they were twenty years ago? A. Yes, sir. Q. Is it your opinion that the removal of the 210 stages now running on Broadway would still further contribute to the relief of Broadway traffic? A. Do you mean to say, their place not to be supplied with anything? Q. Yes; take them out. A. Yes, sir. Q. Remove those 210 vehicles and you would remove the principal cause of obstruction at the present time, would you not?

- 3115 A. I think you remove one cause. Q. A very large and prominent cause? A. Well, my impression is that if you take the stages out there would be another class of vehicles that would find Broadway a convenient artery that perhaps are now driven off from Broadway; I mean Broadway carriages. Q. It would afford room for other vehicles then? A. Yes, sir. Q. It would afford room for other business then? A. Yes, sir. Q. And, in your opinion, it might attract vehicles that now find some other avenue? A. Yes, sir. Q. Or means of travel? A. That are driven to some other avenue. Q. It is your opinion that the removal of the 210 stages now running, and the substitution of a nice line of cars on Broadway, would largely tend to diminish the number of cabs now running? A. I cannot see why it would. Q. If you were at Canal Street and you had your choice between a nice comfortable street-car and a cab, the one at five cents and the other at twenty-five cents, which would you take? A. That would depend somewhat upon circumstances. Q. It depends upon how much money you had? A. Possibly. Q. Then a gentleman who only had five cents would be very apt to take the street-cars? A. He would be compelled to. Q. To that extent, at least, you would be willing to concede that the street-cars would be a great public convenience, would you not? A. If the omnibuses were removed. Q. Remove the omnibuses and put on a nice line of street-cars, such as Broadway ought to have, running from Fourteenth
- 3117 Street to the Battery, and you would think it would be a public convenience, would you not? A. If you remove all means of conveyance, all public means of conveyance from Broadway, then I should regard the street-cars as a convenience. Q. Would you not regard a nice street-car as preferable in almost every respect to a stage? A. Well, that is a matter of opinion; no, if you ask my opinion. Q. Are you in the habit of observing stages, as to whether they run full or not at different hours of the day—overloaded? A. Yes, sir. Q. When a stage is overloaded, it is quite an uncomfortable thing for a gentleman of your height to stand up in? A. Yes, sir. Q. Under those circumstances would you prefer a car or a stage? A. To stand up? Q. Yes. A. I don't like to stand up in either. Q. You would go afoot? A. I generally do or hire a cab. Q. In your opinion, do these stages, running at the present time, adequately

all the railroads running through the Bowery it³¹²⁴
 would improve that property? A. I do not. Q.
 Then they are a benefit? A. Not necessarily so.
 Q. Do you think that the railroad up Eighth Av-
 enue has been a benefit to property at the upper
 end of the street? A. I should think so. Q. In
 other words, you think that railroads generally have
 been a benefit to the City of New York and the
 avenues and streets on which they run? A. I don't
 think it would have been possible for New York to
 have grown as it has without such means of convey-
 ance. Q. That is my opinion; now, do you know
 why, if the property-owners on Broadway want a
 railway, it should be objected to any more than the
 railway on Eighth Avenue, or the one on Sixth
 Avenue, or one on Fifth Avenue? A. It seems to³¹²⁵
 me that Broadway occupies quite a different relative
 position in the City from Eighth Avenue. Q. It is
 more central? A. It is the backbone, almost. Q.
 That is just the idea exactly; it is the backbone?
 A. Yes, sir. Q. And the backbone sustains the
 ribs? A. Yes, sir; the backbone sustains the ribs.
 Q. Do you not think that if all other railroads
 should run down Broadway it would be a great
 public convenience to all the city? A. I should
 question it very much; I think they would have to
 remain located up here for an hour or two, at some
 hours of the day. Q. On account of excessive
 travel? A. On account of blockades. Q. Then, if
 a road was built, there would be so much travel
 over it that it would be blockaded? A. It is not³¹²⁶
 always the travel on a road that blocks it; fre-
 quently trucks block it. Q. Do you not think the
 travel on Broadway would be very much larger
 than on other roads? A. I doubt it very much.
 Q. I mean for the same distance? A. I doubt it. Q.
 Have you any doubt that more people walk over
 Broadway than any other parallel street? A. Yes,
 sir; I do not think as many people walk over
 Broadway to-day as there does on the Bowery. Q.
 Do you think there are not as many people on
 Broadway, or as many vehicles, as there were
 twenty years ago? A. I think there are as many
 people. Q. Or as many vehicles? A. In the lower
 part of the city? Q. Yes. A. I have some doubt
 of it. Q. Do you not think that that inevitably
 leads to the conclusion that Broadway is running
 down? A. I think there is a section of Broadway

- 3121 property on a street, that that would give him a right to use that street in any way that would effect me. Q. Do you think it would affect any property on the island more than that property on Broadway? A. No, I think property on Broadway would be affected more than the property on the side streets. Q. Then they would be likely to be the most competent judges? A. I don't know that. Q. Not whether it would affect their property or not? A. No, I don't know that they would. Q. Do you not think you would be the most competent judge in regard to the value of a railroad in front of your place? A. I can judge for myself, but I do not know that I am the most competent judge as to the interests of other people; that is what I mean to say. Q. Then, if a majority of the other people should decide against you, you would concede that it must be right? A. No, I would not at all. Q. You would hold to your opinion still? A. That is just exactly what I should do. Q. In regard to your experience and observation in New York City how have railroads generally affected property in the prosperity of the city through the avenues and streets which they have been built on? A. In most cases— Q. Generally? A. Oh, I think from the time when railroads have been constructed that there has been a great advance in property in the streets which they have run on; whether that has been due to the railroad, or to the general increase of the prosperity of the city, or growth of the city, I am somewhat in doubt.

3123 Q. Are you not in doubt in regard to the question that if the railroads were taken up in the City of New York to-day it would be a great public inconvenience and a great injury to trade; have you any doubt as to that? A. No, sir. Q. That settles that question; then do you not think that the railroad up Sixth Avenue has been a great advantage to property? A. To property on Sixth Avenue? Q. Yes; and all around it? More around it than on it in fact? A. Yes, sir; I should think that it had been an advantage to property. Q. Do you not think that the Third Avenue Railroad, running out to Harlem, had been a great advantage to property on the avenue and around it? A. Yes, sir; not in every case; I chance to have an interest in a property on the Bowery and I don't think it has been enhanced. Q. Do you think if you were to take up

all the railroads running through the Bowery it 3124
would improve that property? A. I do not. Q.

Then they are a benefit? A. Not necessarily so.

Q. Do you think that the railroad up Eighth Avenue has been a benefit to property at the upper end of the street? A. I should think so. Q. In

other words, you think that railroads generally have been a benefit to the City of New York and the avenues and streets on which they run? A. I don't think it would have been possible for New York to have grown as it has without such means of conveyance. Q. That is my opinion; now, do you know

why, if the property-owners on Broadway want a railway, it should be objected to any more than the railway on Eighth Avenue, or the one on Sixth Avenue, or one on Fifth Avenue? A. It seems to 3125

me that Broadway occupies quite a different relative position in the City from Eighth Avenue. Q. It is

more central? A. It is the backbone, almost. Q. That is just the idea exactly; it is the backbone?

A. Yes, sir. Q. And the backbone sustains the ribs? A. Yes, sir; the backbone sustains the ribs.

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travel? A. On account of blockades. Q. Then, if a road was built, there would be so much travel

over it that it would be blockaded? A. It is not 3126
always the travel on a road that blocks it; frequently trucks block it. Q. Do you not think the

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Have you any doubt that more people walk over Broadway than any other parallel street? A. Yes,

sir; I do not think as many people walk over Broadway to-day as there does on the Bowery. Q.

Do you think there are not as many people on Broadway, or as many vehicles, as there were

twenty years ago? A. I think there are as many people. Q. Or as many vehicles? A. In the lower

part of the city? Q. Yes. A. I have some doubt of it. Q. Do you not think that that inevitably

leads to the conclusion that Broadway is running down? A. I think there is a section of Broadway

3127 that is depreciating. Q. What section? A. Perhaps from Canal Street to Fourteenth Street; if my observation is correct, as to the lower part of Broadway, the value of property has enhanced very largely enhanced within the past two or three years.

Q. Do you not consider that the more people who travel on an avenue, or a street, the better for the property? A. Yes, sir; as a whole. Q. Do you not consider that Broadway, to retain its prestige, and so on, should draw more people to it than any other street in New York City? A. Do you wish me to express an opinion upon that question? Q. A square opinion? A. My judgment is, that so long as these elevated railroads are running as at the present time, and the present lines of street-cars 3128 are running, that the upper part of Broadway—I am speaking of from Canal Street up—is in a transition state; the class of business that occupied that portion of the city a dozen years ago has been withdrawn from, I think, force of circumstances; largely, I think, because of the elevated railroads; and until some class of business moves in to occupy the territory which has been vacated, I do not look for, and I do not think there is likely to be any improvement in the value of property there. Q. In other words, you think that these railroads on either side of Broadway here are sapping Broadway and taking the life out of it? A. I think the elevated railroads have drawn travel from that portion of Broadway. Q. Do you not think the Broadway and Seventh 3129 Avenue Railroad has drawn travel from Broadway, so much so as to drive stages off? A. Oh, yes; all the railroads that run in the upper part of the island. Q. They tap Broadway; they draw the life out of Broadway? A. From that portion of Broadway. Q. There is no salvation for Broadway unless some method is provided for drawing this travel back again to Broadway, is there? A. Oh, I think so; yes, sir. Q. Do you not think that some method of transit is yet to be discovered to draw this travel back on to Broadway again? A. I do not think it is at all necessary. Q. Then Broadway must necessarily run down? A. I do not think so; here is Wall Street; there is no line of railroad in Wall Street, and yet property is higher in Wall Street than any other part of New York. Q. Stages run in Wall Street, do they not? A. I think the property would be just as valuable without the stages as

with them; the upper part of Broadway, in my judgment, from Canal Street to Fourteenth Street, is to be occupied by some class of business that will not be affected by the condition of travel in the streets. Q. Do you not think that easy methods of travel through a street or avenue is always beneficial to property? A. No, sir; I do not. Q. Do you not think that the easier you make property of access the more valuable it is? A. I was formerly in Beekman Street in business; when a horse-car railroad came through Beekman Street I felt compelled to leave it because of the inconvenience which it occasioned to me in my business; I came up to Duane Street, and they asked me to repeat the same condition of affairs there and I objected to it. Q. Do you not think that the enhancement in the value of property all along the line of the elevated railroads has been due to them? A. I do not think there is an enhancement all along the line of the elevated railroads. Q. Are you aware that the value of property through the four wards of the elevated railroads has advanced 134 millions? A. I am aware that there has been a great advance in the upper part of the city. Q. Are you aware that there has been a great advance on Sixth Avenue? A. What portion of Sixth Avenue? Q. All the way from Eighth Street up to Fiftieth Street. A. No, sir.

Q. You are not aware of that fact? A. No, I think it is not a fact either; I happen to have a piece of property in Sixth Avenue. Q. Whereabouts? A. Between Fiftieth and Fifty-first. Q. That is below; that just lets you out? A. The elevated road goes by. Q. What streets did you say it was between? A. Fifty and Fifty-first. Q. Is that property worth less to-day than before the elevated railway was put up? A. Yes. Q. Are you aware that property has appreciated in Sixth Avenue; much more rapidly in Sixth Avenue, than in Seventh Avenue, or Eighth, or any other avenue? A. I am aware of the fact that property to be devoted to a certain interest has increased by methods—quick methods—of travel, but where it comes to residence property, or flat property, the building of an elevated railroad past it, depreciates it; that is my observation. Q. Which would you think would be the most desirable for the public and for the Broadway property-owners, a horse

3133 railroad, or an elevated railroad, or a cable road, or an arcade road under Broadway; we must have something now, and which do you think would be the best? A. I think the further you put it away from the surface of Broadway, the better it would be for the interest of Broadway; I should say, if I must choose between the four, the arcade. Q. Which next would you choose, if you were to have two? A. I am not prepared to judge between the cable road and the horse road; I have never had means of observation that would satisfy me; the cable road has worked very well in Chicago. Q. Do you not think a nice cable road, built in Broadway, dispensing with horses, every foot of the ground occupied by cars carrying passengers, would
3134 be preferable to a horse railroad; do you not think it would be a benefit to property? A. If we must have one or the other, I should prefer to have the cable road; I do not want either.

By Mr. Evarts:

Q. Is not the importance of crowds in the streets greater to the retail trade than to the wholesale trade? A. Oh, yes, of course. Q. Is it not chiefly important to such business? A. Yes, sir. Q. Is it of great importance to any wholesale business to have a number of passers-by in the street? A. Well, I think that the whole business is—I think a prominent position is to the advantage of wholesale
3135 business; in a very much less degree, however, than to retail business. Q. Would, in your opinion, the retail business, which was formerly on Broadway, between Canal Street and Fourteenth Street, have remained there if a horse railroad had been operated on it during the past ten years? A. I do not think it could have been kept there. Q. Do you think that other causes have occasioned the removal of that business? A. It strikes me as apparent.

WILLIAM L. STRONG, called as a witness on behalf of Mrs. Boreel, and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Evarts:

Q. How long have you lived in this city? A. Thirty-one years. Q. Have you been in business

here all that time? A. Yes, sir. Q. Where do you live now? A. 25 West Thirtieth Street. Q. What is your business? A. Dry goods commission business. Q. What is the name of your firm? A. W. L. Strong & Co. Q. Where is its place of business? A. 75 and 77 Worth Street. Q. Its business is that of a commission house? A. Dry goods commission house; selling goods for American manufacturers. Q. What does that business consist of? A. Receiving packages of goods from New England States and this State, and selling to anybody who wants to buy them. Q. How long has your firm been in that business at that location? A. The present firm since the 1st of January—No, sir; in that location seven years. Q. Where were you before that? A. Before, I was at the corner of Church and Leonard. Q. How long were you there? A. From the 1st of January, 1876, to the 1st of February, 1877. Q. You were about seven years there? A. Yes, sir; about that. Q. Do you use your own trucks? Do you own the trucks employed in your business? A. No, sir; we do not. Q. You contract for your trucking? A. We contract with a truckman to do our business. Q. Do you know how many are employed in your business generally? A. We have, I think, about six; five or six; five I believe now. Q. To what extent is Broadway used in the transportation of your merchandise back and forth? A. I believe they drive from the North River right to Broadway, up through Murray Street; most of our goods from New England come on the Sound boats, and they drive right to Broadway, and then up or down Broadway; one Sound boat is up near Canal Street, and they drive right to Broadway, as a rule, and come down Broadway to Worth Street; those that are below here drive right up to Broadway and then up Broadway to Worth. Q. Do you own any property on Broadway? A. I do not. Q. Do you own, or does your firm own the building in which you are? A. No, sir. Q. What effect, in your opinion, would it have upon the general traffic on Broadway, if a double track horse railroad were laid between Fourteenth Street and the Battery and cars were operated thereon in the usual manner? A. I should think it would materially interfere with the large amount of business that is done in Broadway

3139 now. Q. Do you think it would interfere with the traffic on Broadway? A. Very materially, I think. Q. And be injurious, therefore, to business interests generally? A. Well, to me, I should think it would interfere with a great deal of business done in Broadway; and materially affect that; but that the same amount of business would be done just the same. Q. It would have to be done? A. Yes, it would be done. Q. It would be done at a greater expense? A. It would be done at a greater inconvenience. Q. Would not that be at an increased expense? A. I don't know that we would gain any more by getting our goods trucked to the store or taken away from there with a railroad in Broadway than with it out of Broadway, but it would not be 3140 so convenient to do the business as now. Q. In your opinion, is there any public demand, or necessity, for a railroad on Broadway between Fourteenth Street and the Battery? A. I think not.

Cross-examination by Mr. Scribner :

Q. As to that, are you aware that there is a division of opinion between the citizens of New York? A. I am. Q. You are aware that a large portion of the community have the idea that the construction and the operation of a railroad on Broadway would promote the public convenience? A. I think so; I think a great many people think that way. Q. There 3141 is no doubt, in your mind, but that the construction and operation of a street railway on Broadway would promote the business of pedestrians in that street, is there? A. I have some doubt about that in my mind; yes, sir. Q. Your place is in Worth Street; if you have occasion to go to Wall Street to pay a note, or to borrow some money, or to go on any other errand that people generally have in Wall Street, you would find a street-car a convenience, would you not? A. Well, sir, I have given more thought to that since I have been in this room than I ever did before, in hearing gentlemen give opinions here; my own impression about the matter is that I could go to Wall Street quicker in a stage, in taking the chances of vehicles on any day, than I could in a horse-car. Q. Does your memory go back to the condition of Broadway previous to the year 1864? A. Yes, sir. Q. It is your recollection that from 1860

to 1864, or about those years, Broadway between Chambers Street and Wall Street was frequently blockaded? A. Yes, sir. Q. The blockades existing for hours together, sometimes? A. I do not know that they were quite so long as that, but at any rate there were frequent blockades. Q. Solid blocks, when the vehicles seemed to be wedged together in inextricable confusion? A. That is the fact; yes, sir. Q. You have not seen anything like that for many years? A. Nothing like the way it was in 1859, 1860 and 1861. Q. Along in those years blockades and confusion in Broadway were very frequent? A. Very frequent. Q. About how many years is it since those blockades and obstructions disappeared? A. I think since the erection of the elevated roads. Q. Did they not disappear with the withdrawal of the stages of the Consolidated Stage Company in 1864? A. To some extent they did; but I think the construction—in my judgment—of the elevated roads drew them off. Q. The elevated roads do not carry any trucks? A. They do not; no, sir. Q. It is the trucks used to create the disturbance? A. Omnibuses and trucks. Q. The withdrawal of those omnibuses contributed largely to the relief of Broadway, did it not? A. I think so. Q. The withdrawal of the 210 stages now running would contribute largely to the relief of Broadway, would it not? A. If a surface road was laid there I do not think it would. Q. Lay out of view a surface road altogether; would the withdrawal of the 210 stages now running on Broadway contribute largely to the relief of Broadway? A. Undoubtedly. Q. You have stated, I think, that you conceded that even if what you regard to be the detrimental structure of a street railroad in Broadway should actually exist, all the business that is done in the City of New York would continue to be done? A. I think so. Q. You do not think New York, or its commerce, would suffer to the extent of a dollar, do you? A. With inconvenience—— Q. You do not think, *en masse*, in dollars and cents, New York would suffer to the extent of a dollar? A. Oh, I think not; I think it would suffer in inconvenience of doing business.

Q. The inconvenience it would experience would be experienced by the truckmen? A. No, sir. Q.

- 3145 Who else would suffer any inconvenience? A. I think that private vehicles of all kinds would be largely inconvenienced. Q. Business wagons, do you mean? A. No, sir. Q. It is rare to see a private carriage on Broadway, is it not? A. I use one of my own every day; when it is stormy. Q. It is quite rare, is it not? A. I think not; I think there are hundreds of gentlemen coming down in their own carriages to business. Q. I mean below Chambers Street? A. Yes. Q. Nevertheless, private carriages form a very inconsiderable part of the vehicles traveling on Broadway? A. Of course there are cabs—street cabs—that take up a great deal of room. Q. Cabs do take up a great deal of room?
- 3146 A. As well as omnibuses. The construction and operation of a street railroad would naturally have the effect to drive away a great many of those cabs, would it not? A. It might, possibly. Q. A gentleman desiring to go from the Battery to Fourteenth street would ordinarily prefer to take a nice street-car at five cents rather than a cab at seventy-five cents or a dollar, would he not? A. My own impression about this is this: that the cars in Broadway would be blockaded a great deal more than they are now in Church Street, or in West Broadway—the street-cars. Q. Broadway is much wider than Church Street, is it not? A. Only one track in Church Street. Q. Broadway is very much wider? A. Yes, sir; there would be two tracks in Broadway, and I think a blockade of cars in Broadway would prevent hundreds of people from taking the cars who would otherwise take them if there was no blockade. Q. Time can only demonstrate that? A. That is so; I admit that. Q. That is a mere opinion based on no substantial facts at present existing? A. Based on what I see in West Broadway now; hundreds of times, from Chambers Street to Canal Street. Q. I am obliged to you for having called my attention to that; in West Broadway how many cars are running? A. All that run on that side but one line, I believe. Q. The Eighth Avenue cars run there? A. I think so; oh, yes. Q. The Seventh Avenue and Broadway cars run there. A. Yes, sir. Q. Each one of those different companies runs one hundred cars, more or less, does it not? A. I don't know how many. Q. Suppose you were

told that there were three or four hundred cars running through West Broadway, would you be surprised? A. I should not. Q. You would not be surprised? A. No, sir; because I have seen them from Canal Street blockaded right down to Church Street. Q. Nevertheless, those lines have been running there for twenty years and upwards. A. Yes, sir. Q. And they have made their trips with something like regularity so far as you know, have they not? A. They do the best they can. Q. They run on a time-table ordinarily? A. They do the best they can. Q. They run on a time-table, do they not? A. I don't know anything about that. Q. Suppose you were told that they did run on a time-table and that they made their trips ordinarily in accordance with the prescribed time-table? A. I should think that it could not be true because I use them almost every day; I always go home on one of those roads. 3148

Q. Why would you say it was not true? A. Because I have been delayed myself an average of half or three-quarters of an hour more than half the time. Q. Is not that a little of an exaggeration? A. Yes, perhaps it is; we will say perhaps one-fifth of the time. Q. Would you say it was not possible to get a car from Fiftieth Street and Seventh Avenue, for instance, to Barclay and Broadway in forty-five minutes, and to do that with regularity, six days in the week? A. Well, it takes me about thirty minutes to get home. Q. Would you say it was not possible to do that with considerable regularity, seven days in the week? A. I suppose you can very easily get at the fact about it; there is no use in my making suppositions about it. Q. The blockades have been from some extraordinary cause, such as fires, or something of that kind? A. Yes, sir, or the falling of horses. Q. It is rare that a blockade occurs from any other cause, is it not? A. Fires, I think, are perhaps the most frequent. 3150

By Mr. Evarts :

Q. If there were more frequent delays and more frequent obstructions in the street then there are to-day, would it not cost more to transport goods to and fro in the city? A. The delay of a truck is ex-

- 3151 pensive, as well as inconvenient. Q. Do you think that the truckman with whom you now contract could afford to make the same contract if delays were very much more frequent? A. My impressions are that they could not make their loads, or do as they do now, and they would be wanting perhaps more for doing their work. Q. Do you think that truckmen could carry as heavy loads as they do now in Broadway, if a street-car line were laid there? A. Well, yes, I think they could contrive it as they do now; I do not think the mere fact of the track in Broadway would interfere with their loading their trucks; perhaps it might. Q. You think it might; you have not much practical experience in driving
- 3152 trucks? A. Truckmen put all they can on; that is the fact about it; all they can haul; and they avoid all streets that have railroad tracks in them. Q. Why do they do that? A. I think that the real reason that they do that is, that when they are crossing these tracks or getting into, or out of the trucks; it is hard to get a heavy load out; it is hard pulling and they have to get in and out of the tracks for the accommodation of the cars, consequently it is hard work for them to do that; if they go on a street where there is no railroad they do not have the same annoyance of an iron rail to get over; that is all.

By Mr. Scribner:

- 3153 Q. Your trucks pull just as big loads in Canal Street where there are railroad tracks as in Broadway, where there are none? A. The same load; I think they would put on just the same; I do not think it would make any special difference about the loads; the only thing is the inconvenience it would be to them.

By Mr. Fuller:

- Q. Do you think there is a truckman in New York who put on any less load on account of a railroad? A. I do not think there is; there may be some.

By Commissioner Harris:

- Q. Suppose the stages were taken off Broadway, what do you think would be the result; would more

trucks come on and other vehicles, or would it be a permanent relief to that street? I do not know that we want any relief to Broadway just now. Q. I want to know whether you think any trucks would come on to take the place of the stages? A. I think not; I think there are as many wagons in Broadway now as there would be. Q. Suppose there was a railroad on Broadway, would it draw more vehicles on Broadway, or would it drive them away? A. My impressions are that there would not be quite as many vehicles on Broadway with a railroad in it, as there are now. Q. You think the effect of it would be to injure it for the carriage of goods, and all that sort of thing? A. It seems to me it would, to some extent; I do not know as it would make a great deal of difference; they now avoid streets as far as they can where there are railroads.

WILLIAM B. BOORUM, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Erarts :

Q. Where do you live? A. Brooklyn, N. Y. Q. What is your business? A. Manufacturer of blank-books. Q. Of the firm of Boorum & Pease? A. Of the firm of Boorum & Pease. Q. Right across the way from here, in Reade Street? A. Yes, sir. Q. At No. 32 Reade Street? A. 28, 30, 32, and 34, we occupy. Q. How long has your firm been in existence? A. Our present firm, some sixteen years. Q. You had a predecessor? A. Yes, sir; some forty years. Q. Some forty years in this city? A. In this city, yes, sir. Q. How long have you been in that present location? A. Twelve years, about. Q. Where were you before that? A. On Beekman Street. Q. How long had you been in Beekman Street? when did you move there? A. I think some eighteen years; eighteen or twenty years. Q. Your business is that of blank-book manufacturers? A. Blank-book and kindred business; photograph album manufacturers and bookbinding; principally mercantile matters. Q. Account-books? A. Ac-

- 3158 count-books. Q. You manufacture in the building in Reade Street, which you occupy? A. Yes, sir. Q. And there you receive your materials for manufacturing, and distributing them in the manufactured articles, I suppose? A. Yes, sir. Q. Where do you sell, all over the city? A. All over the country; all over the United States. Q. You ship from all points in New York? A. Yes, sir. Q. By railroad and steamboat lines? A. Yes, sir. Q. To what extent do you use Broadway in transporting your merchandise? A. I don't know as I can tell just the exact extent. Q. To a considerable extent? A. To a considerable extent; several blocks above and below here, and in the delivery of goods up town; we sell a good many goods in this city, and have deliveries that are now up as far as Fourteenth Street and above; to that extent we use Broadway. Q. In going from here, and delivering from here to Union Square, what route would your trucks take? A. I think the course would be up Broadway. Q. What effect do you think it would have on the business interests generally if Broadway were to have a double-track horse-car railroad from the Battery to Fourteenth Street, and cars were operated on it? A. I should think it would hinder and delay. Q. Would it have an injurious effect upon business? A. Yes, sir. Q. How did you come to select Reade Street when you made your move? A. One principal reason was because of the hinderances and delays that we had experienced in Beekman Street receiving and delivering or shipping our goods; there would be, I may say, at times, hours before we could get up to our door. Q. Caused by what? A. Caused by the blocks in that street of the railroad—single-track railroad. Q. Occasioned by a single-track railroad that is operated there? A. Occasioned largely by that. Q. Do you think there is any public demand or necessity for a railroad on Broadway, between Fourteenth Street and the Battery? A. No, sir; I think it is very desirable that that street should be without a railroad. Q. Why do you think that desirable? A. Why, to have one grand thoroughfare leading to the upper part of our city, as one reason, free from such an obstruction; and then because of the wholesale business interests of that street. Q. Would you consider a horse-car
- 3159
- 3160

railroad track in a business street an obstruction to 3161
ordinary travel? A. To the wholesale business?
yes.

Cross-examined by Mr. Scribner :

Q. How long have you lived in Brooklyn?
A. Thirty years. Q. Where does Mr. Pease live?
A. In Brooklyn. Q. He lives in Brooklyn, also?
A. Yes, sir. Q. Do you, both of you, sleep there
over night? A. When we are at home; yes, sir; we
do. Q. Then all the good New York gets out of
you is the goods you sell, is it? A. Well, I am not
a judge about that, as to what good I do to any one
else; I leave that to others. Q. Your taxes are all
paid in Brooklyn? A. Principally, except on our 3162
warehouses; that is, the tax we pay in rent—in a
large rent. Q. You pay the rent to the owner of
this building in Reade Street? A. Yes, sir. Q. You
pay no direct tax to the city? A. No, sir. Q. You
say your firm has occasion to use Broadway?
A. Yes, sir. Q. You likewise have occasion to use
all the other streets in this city, do you not?
A. Many of them. Q. You use many of the other
streets? A. Many of them. Q. You do have occa-
sion to use, and actually do use, many of streets in
which street railroads exist? A. I think in truck-
ing goods we avoid those as much as we can. Q. Do
you sell the blank books which you manufacture to
merchants? A. No, sir. Q. Who do you sell them 3163
to? A. Dealers. Q. If Macy & Co., of Sixth
Avenue, should order a lot of account books for their
business, would you furnish them? A. No, sir; that
is not for their business; we deal with Macy & Co.
for their trade; we sell them goods to sell again.
Q. You do sell Macy & Co. goods? A. We sell to
Macy & Co. Q. Then you have occasion to use
Sixth Avenue, do you not? A. I don't know just
where their receiving place is, whether at Sixth
Avenue or where. Q. You don't drive your own
trucks? A. No, sir. Q. So you don't know the
route they take when they leave your store? A. Not
exactly. Q. You know they cannot very well get
to Macy's store without making use of Sixth
Avenue? A. No, sir; they have an entrance, I
think, on Fourteenth Street. Q. For the receipt of

- 3164 goods? A. I don't know about that. Q. At all events, you know that Macy's store, where you deliver goods, is situated at the corner of Fourteenth Street and Sixth Avenue? A. Fourteenth and Fifteenth. Q. And there is a railroad in Fourteenth Street, as well as in Sixth Avenue? A. Yes, sir. Q. So that you cannot get to that store without using a railroad street? A. No. Q. In Sixth Avenue there is not only a surface road but an elevated road, is there not? A. Yes, sir. Q. Notwithstanding that, you don't scorn to accept an order from Macy? A. Oh, no. Q. You don't make any objections to sending your trucks up there? A. No, sir. Q. To deliver goods? A. No, sir.
- 3165 Q. And, so far as you know, no deleterious effects have ever been experienced by your trucks in going to and from Macy's store? A. We know there have been hinderances and delays; there have been delays in the delivery of goods. Q. Delays in the delivery of goods at Macy's store? A. I am not particularly speaking of that store. Q. I am talking of that store now; I will go around with you somewhere else later on. A. I don't know.
- 3166 Q. You don't know of any deleterious effects experienced by your trucks in going to or from Macy's store? A. No, sir. Q. You say there is no public demand for a railroad in Broadway; do you not know that there are citizens in New York who favor the construction of a railroad in Broadway? A. I don't know of any such. Q. You don't know of any such? A. There may be thousands. Q. Outside of the line of your business, are you acquainted with men in Brooklyn? A. No, sir; I have a large business acquaintance there. Q. Outside of the affairs connected with your business here and your customers, your acquaintance is largely with Brooklyn people? A. No, sir. Q. Your social relations are all with Brooklyn people, are they not? A. No, sir; they are there and here also; I was born in this city. Q. Do you think that the operation of a railroad on Broadway, past Reade Street, would interfere, to the value of a sixpence, with your business in the course of the year? A. Just here at Reade Street? Q. Yes? A. No; I don't know as it would. Q. Do you think that the operation of a railroad anywhere on Broadway, between the Battery and Fourteenth

Street, would diminish the receipts of your business 3167
to the value of a sixpence in any year? A. I think
it would add to the expenses of the business. Q. Is
it not quite likely that the addition to the expenses
would be more than made up by the increased facili-
ties that your customers would have in getting to
your store, and, consequently, from the fact that you
would make more out of those customers? A. No;
I do not think so. Q. If you wanted to get to Wall
Street to-day, and there was a street-car running on
Broadway, would you not consider it a convenience?
A. No more than now. Q. No more than now? A.
No more than a stage. Q. If you were going there
now, would you patronize a stage? A. Or walk.
Q. Are you an admirer of the old-fashioned stage
that is now running on Broadway? A. I rather— 3168
as a convenience. Q. Are you an admirer of the
old-fashioned stage? A. As a convenience. Q.
Would not a street-car be more of a convenience?
A. I don't think it would, because of the delay
which I think it would experience in getting to Wall
Street. Q. You know the usual sentiment of ladies
in this community towards the old-fashioned arks
that are known as omnibuses running on Broadway
now, do you not? A. I am not familiar with that
fact. Q. You don't know whether there is an ex-
treme dislike on the part of the ladies to the stages
in use on Broadway? A. No, I don't know the
fact. Q. You have been in business here how long? 3169
A. About thirty years. Q. During that time has
there been any improvement in the construction of
stages, to your knowledge? A. I never gave it any
thought; but I should think that they have been
improved, and are more easy and comfortable to-
day. Q. What does the "easy" consist in—a little
better cushion? A. Good, clean, comfortable, nice,
well-cushioned stage. Q. You are satisfied with
them, are you? A. I am satisfied. Q. You don't
want anything better? A. Not there.

By Mr. Evarts:

Q. Have you not noticed, within the past few
years, that the steps of the omnibuses have been
lowered and enlarged? A. Now that my attention
is called to it, I have. Q. It is easier to get in and

3170 out than it use to be? A. I had never considered that matter.

Q. It was always easy enough for you to get in and out? A. Always easy enough for me. Q. How many men does your firm employ? A. We employ some four hundred people. Q. Some of them live in this city? A. Yes, sir. Q. Would you mind telling us what rent you pay? A. No. Q. How much is it? A. I think some \$16,500. Q. Do you pay any extra water rate to the city for the purposes of manufacture? A. Yes, sir. Q. How much is that? A. It seems to me it is \$1,000. Q. Then you are of some good to the City of New York, after all, are you not? A. We pay these demands as they are made upon us, and pay our debts. Q. Is there an association in your trade; have you an association of the members of your trade? A. There is a benevolent association for one, and I think there are others. Q. Is there not a Stationers' Board of Trade? A. Yes, sir; a Stationers' Board of Trade. Q. That is in the line of your business, is it not? A. Yes, sir; everything connected with the stationery business, consisting of paper dealers and manufacturers and envelope manufacturers; our own business is one branch of that. Q. Your firm are members of that? A. Yes, sir. Q. Mr. Pease is an officer of that association, is he not? A. He was the president of that association until the 1st of January, and he is now one of its directors. Q. The business interests represented by that Board of Trade are very considerable? A. Large business; large business interests. Q. Is it not true that Macy's store on Sixth Avenue goes to Thirteenth Street? A. Yes, sir; I think it does. Q. Did you know whether or not there was an entrance there for goods? A. That I did not know. Q. It is quite possible that goods might be delivered in Thirteenth Street, is it not? A. Yes, sir; it is quite possible. Q. And there is no railroad on Thirteenth Street? A. I think not.

By Mr. Scribner :

Q. I want to ask you another question. Is it your honest opinion that there would be a dollar's worth less of business done in New York if this railroad was constructed than if it was not? A. That is such a great subject that I could not; you

asked me if it was my honest opinion? Q. Yes. A. 3173
 I don't know that it would, but I think business
 would be; its progress would be retarded and hin-
 dered and delayed; it would be more inconvenient.
 Q. You think the people would manage to do their
 business however? A. I think that necessity arranges
 those things; we adapt ourselves to necessities.

By Mr. Fuller:

Q. About how many loads do you take in and out
 a day in your business? A. Oh, I should suppose a
 dozen. Q. You pay by the load? A. Partly so, and
 partly we own; we own our trucks—one large truck.
 Q. Those you don't own you pay so much a load
 for? A. Yes, sir. Q. Do you think that a railroad
 should be kept out of Broadway, as you state, in order 3174
 that we should have one grand thoroughfare, at the
 expense of the property-owners, with trade running
 down and property running down; do you think
 that should be preserved for trucks and carriages
 and stage-drivers to the detriment of the property-
 owners? A. I think the city is better to live in by
 having that thoroughfare; New York is benefited
 by having it free from obstructions.

Q. If it is a fact that property is running down in
 value and there are vacant stores and property-
 owners are losing their trade, do you think it should,
 nevertheless, be reserved as a highway for trucks
 and stages and carriages? A. I should doubt the
 fact. Q. Should you doubt the fact that there are
 less stages on Broadway, and vehicles, than there 3175
 used to be? A. I should doubt the fact. Q. Would
 you like to be informed of that fact? A. I am not
 particular about being informed. Q. How would a
 railroad on Broadway add to the expense of
 business; would you have to pay your truckmen
 any more per load? A. It would make vexatious
 delays. Q. Do you think you would pay a dollar
 per load more? A. I think it would be more in-
 convenient and there would be delays that would
 add to the expense. Q. Do you think you would
 have to pay a dollar a load more if a railroad was
 put on Broadway; do you think it would advance
 the price of trucking, where you hire it out? A.
 Where we hire it out, probably not. Q. What ferry
 do you cross when you go to Brooklyn, generally?

- 3176 A. I take the Bridge now. Q. When you take the ferry, what ferry do you use? A. Wall Street Ferry. Q. At Fulton Ferry—that is the principal ferry, is it not? A. That, I believe, is the principal ferry. Q. Have you any of those improvements, the stages, at Fulton Ferry, to ride home in? A. There is a line running to Fulton Ferry; I take the Wall Street stages; I find them very convenient, indeed, right here at this corner, to go to Wall Street Ferry. Q. There are elegant stages to ride up Montague Street in; you consider them as such, do you not? A. On Montague Street? I speak of this side of the river. Q. Do you ride up on Montague Street? A. No, sir; I do not. Q. On this side you ride up in the stages? A. I ride on this
- 3177 side very often, from Wall Street ferry to the corner of Reade Street. Q. Are there stages at Fulton Ferry? A. There are stages, I believe, on the other side. Q. That go to Fulton Ferry? A. No, sir; Wall Street Ferry. Q. Do you find it a convenience to take the cars instead of taking the stages on the other side? A. No, sir; because I take a carriage. Q. Which would you prefer, riding in from Fulton Ferry on the other side, a car or a stage? A. I rather like the stage. Q. Do you consider the stages more rapid? A. In crowded thoroughfares, yes, sir. Q. Did you ever ride on the Broadway and Seventh Avenue cars, from Park Place up-town, or the Eighth Avenue, or Sixth Avenue? A. Very rarely; and
- 3178 one reason is because I cannot count upon getting anywhere. Q. You have very rarely ridden on them? A. I have ridden on them; I avoid them because of that fact. Q. In your experience, on an average, which would take you from Park Place to Fourteenth Street the quickest, the Broadway stage or the Broadway and Seventh Avenue line of cars? A. The Broadway stage. Q. You say your experience has been limited? A. My experience I say; you asked me what my experience was. Q. You say it has been limited in riding up Broadway? A. Comparatively so. Q. If you rode up and down every day your experience would be much greater than it is now, would it not? A. That does not require any answer. Q. That is so understood? A. That requires no answer. Q. What do you mean by a limited experience; how often do you ride up

Broadway to Fourteenth Street? A. I say that in 3179 going to Fourteenth Street I would avoid the very line of cars you speak of, because of the hinderances and delays that I have experienced; I would take a Broadway stage. Q. How often do you ride up Broadway to Fourteenth Street? A. Not very often. Q. About how often; I want to get at your experience as compared with my own, because this is a grand piece of information for me; if you can go up in a stage more rapidly than the cars, if that is the fact, I want to employ the stages? A. Perhaps, half a dozen times a month.

NEW YORK, February 19th, 1885.

3180

LEVI M. BATES, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Everts:

Q. What is your age? A. I am about sixty. Q. Where do you live? A. I live in Madison Avenue, near Thirty-eighth Street. Q. In what business are you occupied? A. We are in the importing and jobbing dry goods. Q. As a member of the firm of Bates, Reed & Cooley? A. Yes, sir. Q. Where is their place of business? A. Do you want the number of the street? Q. Yes, if you please? A. All the numbers! Q. State if it is on the corner of Broadway and Leonard Street? A. We have Nos. 3181 343, 345 and 347 Broadway. Q. That is on the southwest corner of Broadway and Leonard Street? A. Yes, sir. Q. How much space do the buildings occupied by you cover? A. We have between ninety and one hundred feet on Broadway. Q. And the depth is how much? A. About one hundred and seventy-five feet. Q. How long have you been engaged in business in New York? A. Over thirty years. Q. How long have you been in your present location? A. I think we have been here either five or six years; I cannot state positively. Q. Before that where were you? A. 451 Broadway, near Grand Street. Q. Before you moved there where were you? A. We were at 343 Broadway. Q. You have been on Broadway for how many years? A. About twenty odd years on Broadway; about twenty years, I think. Q. Your business consists of what?

- 3182 A. Our business consists of all kinds of foreign goods ; domestic and imported woollens and flannels, domestic prints, gingham, silks, velvets, shawls, cloaks, hosiery, kid gloves, Yankee notions, silks, and ribbons, all kinds of dress goods, and in fact, about everything that is kept in the dry goods line. Q. In the transaction of that business you send and ship goods from what places? A. We receive most of the goods on Leonard, the side street. Q. But from where are they brought to your place? A. We receive our goods from the Atlantic steamers and Public Stores, warehouses here, commission houses, &c. Q. To what point do you ship? A. We ship to all parts of the United States, and some to Canada. Q. For that purpose you have to carry the
- 3183 goods that you ship to all these steamboat landings and railway stations and freight depots? A. Yes, sir; railway lines and water lines; water lines mostly. Q. To what extent do you use Broadway for the transportation of your goods to and from your store? A. We use the sidewalk on Broadway for shipping a large portion of our goods after they are packed and ready for shipment. Q. But in the transportation of your goods to the various shipping points, do your truckmen use Broadway to reach those? A. We load our trucks in Broadway, mostly.
- Q. Do you distinguish, in your business, between Broadway and Leonard Street? A. You mean, to classify the goods? Q. Yes. A. Most of the goods
- 3184 we sell here in the city are delivered from the side street; and a portion of those that are shipped out of town are loaded from Broadway. Q. Do you have customers located on Broadway to whom you deliver goods? A. Yes, sir. Q. A good many? A. Quite a number. Q. Your house is one of the largest houses in this city? A. Yes, sir; it is one of the largest dry goods houses doing business here now. Q. What rent do you pay for the location where you are? A. I cannot tell you exactly what the rentals are— Q. About what are you paying now a year? A. Nearly sixty thousand dollars a year. Q. What effect, in your opinion, would it have upon your business, and that of other merchants in a similar business, if a double track horse railroad were placed upon Broadway from Fourteenth Street to the Battery and cars were operated thereon? A. I think it would be very injurious to our business as

well as most of the jobbing business that is being 3185
done on the line. Q. Would it, in your opinion,
benefit the public generally in respect to the traffic
on Broadway? A. My opinion is that it would not;
that the public generally would not be benefited by
a surface railroad on Broadway. Q. What effect, if
any, do you think it would have upon the rental
value of property below Canal Street? A. For the
large warehouses that are used now for the dry
goods business I think that rentals would be very
much reduced if there was a surface road put on
Broadway. Q. What is the general character of
the business between Canal Street and Chambers
Street? A. A very large portion of it is jobbing
business; not all what we call our largest houses; a
great many of the smaller houses and some commis- 3186
sion houses. Q. Could you, in your opinion, as well
afford to pay the same rent for the building now oc-
cupied by your firm if there was a railroad operated
on Broadway? A. No, we could not pay the same
rent; it would be a question whether we could af-
ford to remain on Broadway; with a surface road
there I do not know that we should be able to ship
our goods. Q. Have you considered the question
that a surface road might be built on Broadway?
A. Yes, sir; I have been thinking about that ever
since this question has been agitated, of putting a
surface road on Broadway, and whether we would
be compelled to go into the side streets, and I have
been looking around to see if we could find build-
ings suitable for our business; so far we have not 3187
been able to find any building in a locality that
would suit us. Q. When does your lease expire?
A. Next January; January 1st. Q. Have you
made any arrangement for renewing it? A. No,
sir. Q. Have you had any conversation with your
landlord about it? A. We have talked the matter
over some; we made up our minds that we could
not afford to pay rentals that we are now paying if
there was a railroad put on to Broadway. Q. Have
you so notified your landlord? A. I do not think
that we have had any written communications with
him; we have had conversations with him. Q.
What, in your opinion, would be the effect upon
the rental value of property between Fourteenth
Street and Canal Street if a surface road was built
on Broadway? A. I do not see how it is going to
improve it any in that locality, although the charac-

3188 ter of the business above Canal Street is somewhat different from that below, and just at present it might not be injured as much by a surface road as below Canal Street; but I do not see how it could benefit it any.

By Commissioner Harris:

Q. What did you say your number was? A. We occupy three numbers; we are at the corner of Broadway and Leonard; we occupy 343, 345 and 347 Broadway.

By Commissioner Vance:

Q. You are on the south side of Leonard Street?

3189 A. Yes, sir, we are on the southwest corner.

Cross-examination by Mr. Scribner:

Q. How many feet have you on Leonard Street? A. I think it is 175. Q. And all the goods received at your store are received on Leonard Street? A. No, not all of them; we receive all of our dress goods on Broadway; we have an elevator on Broadway that opens to the street; it only occupies two floors, the basement and main floor, and we take all of our dress goods in there. Q. Do you know what the width of the carriageway of Broadway is in front of your store? A. I do not know that I know exactly the number of feet; I suppose it is about 40 feet, probably; my impression is that it is less than 3190 40 feet. Q. Is Franklin Street north or south of Leonard? A. North; the first block north. Q. According to Mr. Searle's map the carriageway of Broadway at the north side of Leonard Street is 42 feet 3 inches, and at the south side it is 41 feet 6 inches? A. I was thinking it was about 40 feet; I suppose that is a correct survey? Q. It is made by a surveyor, yes sir; the width of the carriageway varies; do you know that there are various busy streets in New York where the carriageway is of less width than Broadway, where double-track railroads have been in existence for many years in New York? A. Yes, sir, I suppose so; I have not any of those particular localities in my mind, though; I do not know now of any street where there is a double-track road through it—I do not bring it to mind—where there is a large dry goods business done on the street. Q. How as to Grand Street?

A. Grand Street has comparatively few dry goods concerns in it. Q. There are large dry goods stores in it, are there not? A. On the east, yes sir. Q. And for many years past there has been a double-track road in that street? A. Yes, sir, but the dry goods trade is affected different from the wholesale. Q. A retail business is different from that of the wholesale? A. The retail, I mean, yes sir; yes, sir, the store that I occupied in Broadway for ten years was very near Grand Street. Q. You recognize the necessity for some kind of passenger conveyance on Broadway, do you not? A. I think we have in the stages and in these parallel lines on either side of Broadway, east and west—in the elevated railroads and the surface roads—very good transit. Q. Do you have occasion to patronize the stages often? A. Yes, sir, I ride in them every day. Q. Do you not find them frequently crowded? A. They are at certain periods of the day. Q. Overcrowded? A. Sometimes; but not more so than cars are generally. Q. Are you conscious that the construction and operation of the elevated roads has tended largely to withdraw travel from Broadway? A. No, I was not aware of that.

Q. Between Wall Street and Fourteenth Street? A. The elevated roads may take quite a large number of people, brokers and bankers down town, directly home, on these elevated roads, without passing through Broadway. Q. Have you had occasion to observe the effect which the increased facilities for travel have had on lower Broadway south of Rector Street? A. I do not know so much about that part of Broadway. Q. Do you not know that ever since the beginning of that portion of the elevated roads, Broadway, south of Wall Street, which had depreciated largely in value, has now recently taken a stride in advance and large office buildings have been erected on that street? A. Yes, sir; but I do not think that is entirely due to the elevated roads. Q. Do you know of any other reason for it? A. Yes, sir. Q. What is it? A. Wall Street and Broad Street, and those streets contiguous to the Stock Exchange are filled up, and still the brokers and business men are increasing; they must have a place to stay; now, where will they go; they go to the nearest point; that nearest point is the lower part of Broadway. Q. Away down in the region of Whitehall and that vicinity? A. Perhaps not as

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3194 low as that. Q. That is half a mile off, is it not? A. What has built up that is the moving of the Produce Exchange on Broadway—an immense building—and a great many men connected with that must have offices near it. Q. You are conscious of the fact that since the construction of the elevated roads expensive and handsome buildings have been erected away down town, near Whitehall Street, on Broadway? A. Yes, sir. Q. What do you say about the present condition of real estate on Broadway, between Canal Street and Fourteenth Street; is it depressed or otherwise? A. It is depressed at present, and has been for some years. Q. It has depreciated in value for some years past, has it not? A. No, I don't think it has depreciated; I don't think you can get property in fee on that line 3195 any cheaper than you could a few years ago. Q. You can rent it for much less? A. You can rent it for much less. Q. And there are many vacant stores in that locality at present, are there not? A. Yes, sir; but there have been a block of stores in that vicinity built recently, and they are all occupied. Q. Is it not true that there are on that street, between Canal Street and Fourteenth Street, a great many old-fashioned buildings that bring in a very small rental in comparison to the value of the ground on which they stand? A. Between what streets? Q. Between Canal Street and Fourteenth Street? A. There are a good many old-fashioned 3196 buildings, but not so many as there were a few years ago; they have been putting up a good many, remodeling some and making them over again. Q. There are still a good many old-fashioned buildings, are there not? A. Not such a very large number of the old type of buildings now; they have built up that portion a great deal. Q. Are you familiar with the value of real estate in the city in different quarters? A. I don't suppose I am with the value of property to buy, because I have not been dealing in it. Q. Let me ask this question: Whether you know how the value of a piece of corner property, say on Sixth Avenue, situated at Fourteenth Street, where there is a horse-railroad, compares with a corner, say on Eighteenth Street, where there is no railroad? A. Oh, well, that is not accounted for—those localities that you mention—on account of the railroad.

Q. I ask you if you know how the value of a piece of

property at the corner of Fourteenth Street, where there is a crosstown horse railroad, and Sixth Avenue compares with the value of a piece of property of the same size at the corner of Eighteenth Street and Sixth Avenue where there is no railroad? A. I know the value must be infinitely greater at Sixth Avenue and Fourteenth Street simply because it has become a great centre for the retail dry goods business of the City of New York. Q. I will ask you if there was a solitary store, to your knowledge, on Fourteenth Street, between Broadway and Eighth Avenue, before the construction of a portion of that railroad through Fourteenth Street? A. Yes, sir, I think there were stores there before the Fourteenth Street road commenced, but not before the Sixth Avenue road. Q. You mean not before the elevated road? A. No. Q. The Sixth Avenue horse railroad was built about thirty years ago, and Fourteenth Street long since then was devoted to private residences, was it not? A. The Sixth Avenue was built since I have been doing business. Q. It was built in 1854, was it not? A. In 1855, I think; I commenced business in 1854, and I think I was able to go up on that road the next year after I commenced doing business. Q. Twenty-third Street is a very prosperous business locality at the present time, is it not? A. Yes, sir. Q. Was there a single store on that street before the street railroad was constructed there? A. I cannot tell you about that, because I cannot remember when that was built. Q. Do you think that street would have any sort of value for business purposes except for the existence of that railroad? A. Yes, sir; I think they would do just as much business if you take that road right out as they do now, because they have got a centre there and you cannot break it up.

Mr. Scribner: I guess it would break up very quickly if you were to take up the rails—if you take my opinion about it.

The Witness: People will go where the goods are.

Q. Is it your custom in loading goods in front of your store on Broadway to have your trucks backed up at right angles with the street? A. Yes, sir. Q. Do they occupy that position during a considerable portion of the business hours every day? A. Not the whole year; only seasons of the year, when we are very busy. Q. How many months of the year do they occupy it so? A. About seven. Q. There

3200 are about seven months your trucks are backed up in that way ; are they so backed up as to exclude, for many hours of the day, public travel on that part of the street that they occupy ? A. I do not know how many hours of the day they do occupy this position ; I don't believe I could tell you. Q. While they are so backed up of course they operate as an obstruction to other travel in the street, do they not ? A. They would to railroads, I think. Q. Do they not operate as an obstruction to carriages in passing up and down ? A. No, I think not ; because if there are carriages or stages they pass right around them ; we never have blockade on that account. Q. Suppose your neighbors on the opposite side of the street were engaged in business similar to that of your firm and occupied the street in like manner ; what would be the space left between the heads of the horses or the most projecting parts of the trucks on either side ? A. There would be plenty of room left for vehicles to pass. Q. In single file or double file ? A. Oh, double, I should think ; I should think there might ; fortunately for us we have a very large insurance building right opposite to us.

Q. If there was another mercantile house like yours on the opposite side, both of you would operate as a very serious obstruction to Broadway, would you not ? A. I don't know as it would blockade it so as to block the street at all ; I don't think it would. Q. About how much space in the street, measuring from the curb towards the centre of the street, do your trucks occupy when they stand backed up ? A. That is something which I just had in my mind, but I cannot tell you because I don't know the length of the trucks ; some are double trucks and some are single. Q. If the position of the railroad tracks in the street were such as to allow a car to pass without collision with one of your trucks, it would not interfere with your business, would it ? A. Not with loading or unloading ; I cannot tell the lengths of those trucks ; I just had that in my mind. Q. The truckmen who have been here have testified, as a general thing, that the largest trucks are about thirteen feet and a half long ; does that agree with your judgment ? A. That does not include the horses ? Q. That is when they are swung around ? A. Yes, sir.

By Commissioner Harris :

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Q. The great banking interests are down in Wall Street and in that vicinity, are they not? A. Yes, sir; mostly. Q. Do you think they are going to remain there for any time? A. Of course a great many banks are away from there. Q. I do not mean the banks merely; I mean all the great monetary interests of the city? A. Yes, sir; I do not think of any occasion of their moving away. Q. The Stock Exchange is down there? A. Yes, sir. Q. And the Produce Exchange? A. Yes, sir. Q. What is the character of the lower part of the city—what is called the First Ward—in a business point of view? A. You mean leaving Broadway? Q. Yes; including all that lower part of the island? A. As you know, the lower part of Broadway and Wall Street is used for the purposes you have just described; then there is a very large commission business done east of that, to the river, in shipping; immense quantities of goods are brought from foreign ports and unloaded and loaded on either side, and there are large commission houses. Q. As the city increases in population—suppose the population of the city were double, and the business double—where in your opinion would this banking interest, and this great produce interest, that is now located in the First Ward, down around on the lower part of the island, go to; where would that business be done; where would it extend to? A. That is a matter that is so far in the future that I could not tell; neither you nor I will ever live, in my opinion, to see any change of the produce and monetary interests in New York. Q. There will not be any change of localities, but there will be an extension of the business in some direction; in what direction? A. They have been extending for the last twenty years over on Broadway—away from Wall Street and Broad Street; I think now there is a contraction; there are a great many brokers, but there are going to be less. Q. Do you think those branches are settled for a long period of time about where they are now? A. I think so; if you would allow me I would give you an illustration; I moved up to Grand Street and Broadway about fifteen years ago, Lorillard's store, fifty feet on Broadway and two hundred feet to Mercer; that was a splendid location for about three years; subsequently I was compelled to leave that magnificent store, a

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3206 better store than I have ever been in since, because my business left me ; it had gone down below Canal Street ; I had to come down to Leonard Street again, right next door to where I used to be, to follow my trade.

Q. The dry goods interest is between about Chambers Street and Broome Street, is it not? A. The large jobbing business is between Chambers Street and Canal Street. Q. There is some above to Broome Street is there not? A. There is a little. Q. Below Chambers Street on the west side of Broadway are the hardware and the boot and shoe trades? A. Yes, sir. Q. They generally follow on in the rear of the dry goods business? A. Yes, sir; they keep in close proximity to dry goods ; they do not care to be in the same locality exactly. Q. Suppose that the business of the city were to increase, where, in your opinion, would the dry goods interest extend, in what direction? A. There is no increase in the dry goods jobbing trade in New York ; it has been decreasing ; you could count the houses by the hundreds ; now you may count them on your fingers. Q. How about the commission houses? A. They do not care to be on Broadway much ; they want a moderate rent ; they seek the side streets and along near the docks. Q. Who go on Broadway ; jobbers or importers? A. Importers do not care very much. Q. Jobbers? A. Mostly jobbers ; the reason why jobbers want to be on Broadway is this : they are selling goods all over the United States, and a great many strangers are coming in from the different States of the United States and they are looking, say, for Bates, Reed & Cooley ; they are at 345 Broadway ; all they have got to look for is that number ; everybody can find Broadway ; but if it was on a side street they would not know where it was located and they would have to get somebody to show them ; they can all find Broadway, and then all they have to look for is the number ; that is one of the reasons why the jobbers have kept on Broadway. Q. Assuming that these different business interests are located at the points you have stated, and the business population of the city should largely increase, and they naturally extended in the only direction they can extend very well, and that is up, how would you get the population of the upper part of the Island down to those business points? A. We have, for the present, very great facilities now ;

the roads that are running now, and the elevated roads, the stages, &c., I think accommodate the people very well. 3209

By Mr. Scribner :

Q. When was it that you made this change of your store from Grand Street and Broadway to your present location? A. About five or six years ago.

Q. Was it after the time of the construction of the elevated railroads? A. I think it was just before the elevated road was built. Q. The elevated road

commenced operations about 1878; was it before or after that you moved? A. I do not think the elevated road was constructed for use in 1878; it might

have been commenced but I do not think it was able to be used before—I cannot tell, but I think it was 3210

—the last part of 1879; we left Broadway, near Grand Street, I think, in 1879 or January, 1880; I

cannot exactly tell which; I think it was January, 1879. Q. Do you think that the construction and

operation of the elevated railroads had anything to do with carrying your customers by the place you

occupied; A. Oh, no; not at all.

DANIEL C. ROBBINS, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

By Mr. Erarts :

Q. What is your business? A. We are drug- 3211
gists. Q. You are a member of the firm of McKes-

son & Robbins? A. McKesson & Robbins, importers and exporters and manufacturers. Q. Where is

your business located? A. We have 91, 93 and 95— and 97 Fulton Street, running through to Ann; our

office is in 93 Fulton Street—91 to 93 our offices are. Q. How long have you been in business in this city?

A. I came here as a clerk in 1833, and entered the establishment I am now in in 1841; I have been in

business on my own account since 1841—January, 1841; that is, forty-four years on my own account.

Q. In the same business? A. The same business; the same concern. Q. The same location? A. No,

sir. Q. How long have you been where you are now? A. We built where we are now in 1855, thirty

years ago. Q. Does your firm do a large business in its line? A. We are considered to do about the

- 3212 largest business there is ; our sales are about three and a half millions, but our goods are distributed in small quantities in great varieties ; that is, generally in small quantities ; of course, our export trade is bigger. Q. Do you export and import and distribute all over this country ? A. And manufacture ; distribute throughout the whole country ; we sell in the City of New York ; our distributing trade is divided up into two great bodies ; whenever an express cart comes to our store and takes the goods we call it " city trade ;" it goes on one or two city ledgers ; we have two city ledgers in the distributing trade ; then the moment we begin to ship goods we call it " country trade ;" we deliver all around for twenty miles about ; the cost of delivery of our
- 3213 goods is about two thousand dollars a month—a trifle under two thousand dollars a month ; that is, in and out of the city. Q. Do you deliver in all parts of this city ? A. We deliver everywhere ; we deliver in Staten Island and Newark ; we deliver wherever an express cart calls at the door. Q. What, in your opinion, would the effect be upon the public traffic if a street railway were placed upon Broadway between the Battery and Fourteenth Street and horse-cars were operated thereon ? A. It, of course, would be no advantage ; it would be a disadvantage to all the tradesmen, I think, that call upon us ; and it would certainly be more or less of a disadvantage in shipping goods, because we ship a great many goods on the North River side, and any man who has had
- 3214 any experience with a railway track knows that he keeps clear of it as long as possible. Q. You do ? A. I do ; I drive over Brooklyn bridge four times a day ; I am located where I can drive to my house in fifteen minutes, and I have always attended church here, although I am called a Brooklyn man ; I live on the Heights. Q. You have been very familiar with New York for the past forty-five years ? A. I ought to be. Q. In your opinion, is there any public demand or necessity for a horse railway on Broadway between the Battery and Fourteenth Street ? A. I think, sir, it would be a great mistake to put a railroad on Broadway. Q. Why do you think so ? A. I will tell you ; I will give my general idea upon this subject ; I own nearly half million dollars of property in Fulton Street.

By Commissioner Vance :

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Q. New York ? A. New York, Fulton and Ann ; I own on the other side ; I consider that I have no right as a citizen to ask the city or any company to put a railroad on my street and increase the value of my property ; I think that idea is all wrong ; I think that any railroad put in a public street should be put there for the public benefit ; but if private property is injured, private property should be compensated ; that is my general view ; I discard all argument on that subject ; that is, I think, no man has any right to ask the city or any company to increase the value of his property ; I look upon this as a public measure entirely, for the public benefit or for the public injury, and I think a railroad in Broadway would be a very decided public injury ; I will give you my reasons if you want them.

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By Commissioner Harris :

Q. Please do so ; that is what you are here for. A. Any man who has ever travelled abroad or had any acquaintance with the world knows this fact : in all countries—it is so in France ; I have talked with intelligent Frenchmen of wealth—and the same thing strikes Pekin ; it is just as much so there as here ; it is so in Europe ; in Paris, Paris being the great city of Europe ; in New York we have special advantages ; on this continent we have the big oceans on both sides, and the whole wealth of the country tends to New York ; this is the great trouble we have in Brooklyn ; of course, having lived in Brooklyn as many years as I have, I am called upon for various public enterprises, like charity and things of that kind, and every year we find somebody who gave something last year, has moved over to New York ; we have a population half as large as you have over here, and yet it is very difficult to carry things forward there on that account ; wealth centres here, as it will always centre here ; I am located in what is called the most expensive property in the City of Brooklyn, and no lots have been sold—there has been one lot sold at \$25,000 near me ; the man would have it—but there has been no lots sold near me immediately at over \$15,000, and I consider that the value ; you go up in Fifth Avenue and they ask a hundred thousand dollars for the same sized lot ; why is that ; I am

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- 3218 giving you a case I have in my mind ; if a man makes three millions of dollars out in Steuben County supplying railroads, what has he got to do ; he is an object of suspicion, an object of injustice ; the finger of scorn is pointed at him wherever he goes, and he must come to New York ; he is driven into the City of New York ; recollect, I live in Brooklyn, but my time is spent over here as well as there, and I call myself a citizen of New York ; I have got more property here than in Brooklyn ; as citizens of New York, we should do everything in the world we can to encourage this city ; it is the centering of the wealth of the whole country and of
- 3219 the West Indies in the City of New York that gives the great value to the property of the City of New York ; and you want not only railroad facilities in the streets of New York, but you want good facilities to go to and from New York ; the great commercial interests of New York are centering more and more in the lower part of New York ; we consider our property in Fulton Street increasing rather than decreasing in value, notwithstanding that we were seriously threatened by the bridge above us ; we have no fears of any decrease of our property because, without doubt, the value of prop-
- 3220 erty in the lower part of New York to-day is much greater than it was ten years ago or twenty years ago ; very much greater ; property has changed considerable ; no man can live in the City of New York for any reason or for any purpose, but he must have communication with the lower part of the city ; you bring a letter of credit here, and you have to bring it down to this part of the city ; everything tends to the lower part of New York—the Post Office, everything ; that is my general idea about it ; I think we should do everything in the world to make New York as attractive as possible and avoid making it unattractive, and I think our present surface railroad system is an unmitigated
- 3221 curse in the way in which it is conducted ; not but I think railroads are a necessity in the street, but my plan is a different one from that now in use.

Commissioner Harris : We are here for information ; and we would like to hear what you have to say about that.

The Witness : I will tell you what I think about it ; I cross Brooklyn Bridge four times a day, in my own conveyance, unless something occurs to prevent

it; when I leave Brooklyn Bridge I avoid as far as possible the railroads because I have had some two or three experiences where my wheels got dragged together this way (illustrating); our railroad irons are wrong to begin with; now what course shall I take; the moment I strike Spruce Street—by the way, I will begin at home; when I leave home I go down the roadway and go out of my way into Henry; I go down Henry as far as I can, striking directly through to the bridge; I avoid the track in Brooklyn, although it would be a block or two blocks nearer; I get over here and I go down Spruce Street and up Gold to Fulton Street; and then there is a little strip from Gold to William; when I stop my gig there, these are the orders to my driver, as the result of necessity; he is never to sit on his box, but to get off his box and take the horse by the head; two or three times I have had an omnibus come along and get on the tracks, and they would swing around and bang would go into my carriage and smash it; and my general experience is, it don't pay to try and get the money for it; I believe an ounce of prevention is better than a pound of cure, and I tell my man "take your position at the horse's heads until they drag the cars out of the way."

By Commissioner Harris:

Q. That wouldn't work well in your business—an ounce of prevention? A. Well, I don't know about that; I didn't think of that; however, it is a good rule; still I believe that is the right idea; a man should avoid getting sick, if he can; well, those are the general facts about it; our railroads have the wrong irons on their tracks; they are made too sharp; they are made too cheap, to save money; and then again we should be obliged—that is my judgment—the city will be obliged, sooner or later, to take into its own hands and at its own cost the entire streets of New York; or else we are never going to have a civilized city, as I think a civilized city ought to be, and managed as it should be; you cannot have a street partly controlled by a railroad and partly controlled by the public, in a proper condition; if you go in your own vehicle and drive as I do over from Brooklyn to New York—and I drive a good deal now—I think you will come to the same conclusion I have; the irons are wrong; the connections between the pavement and the irons are

3225 wrong; of course, I need hardly go over this, but my remedy would be—I never would charter, if I had the making of the laws—which I do not have and never expect to have—I never would charter any company to take possession of any street in New York; and I would proceed sooner or later to take all those tracks out of the possession of the various railroad companies, and compensate them for them, and of course interfere as little as possible with railroad interests; you are never going to have the streets as you ought to have them until something of this kind is done.

Q. Your idea is, the city ought to control the railroad tracks? A. The tracks, not the cars; I would make contracts with companies for the cars; I would
3226 treat all those franchises that have been given—I would interfere with them as little as possible; I do not believe in interfering with vested rights; but I look upon it as a vital question—the control of those railroads; when I was in Europe a few years ago I sat down at dinner, at Langham's, and we began to discuss general subjects; it was largely anti-Europe; when we got through a gentleman who sat beside me said, "I am going to caution you—when you go back to your own country you will see a good many things that you have never thought of;" I landed, and the first thing that struck me was the condition of our streets; the out-door life of Europe is vastly superior to ours; the indoor life of America is vastly superior to theirs; why should not we, with a city
3227 which must become attractive—unless men's stupidity and dishonesty prevail, in ministering to private greed for the promotion of private ends, to the wrong of our city—why should not our city be one of the most attractive cities on the globe?—it has every advantage over any city I ever was in, and I have been pretty well over Europe; we are making this—well, it is getting worse and worse. Q. Suppose the population in the city and the business interests of the city were double what they are now, and down in the lower part of the city it remained the same, except that the interests extended beyond where they are now. how would you get the people backwards and forwards from one end to the other and to intermediate points. A. Locomotion is the great problem in all large cities; you have been in London, of course; there they have an underground railroad, and yet they have this great difficulty; I

left my hotel at 10 o'clock, and I found it took the 3228 best part of the day to get down town and back again; locomotion is the great problem; it is the greatest of all problems, how to get to and fro; it is something that ought to be carefully considered; they go underground and over the tops of the houses; now, I don't see how we can get along without elevated railroads, but my great objection—I am not talking elevated railroads now—I don't like underground roads; I tried them there, and I don't like them; I think elevated railroads are a good deal better than underground roads; I don't see how we can get along without elevated roads; the only thing is, when elevated roads are put through private property, if it deteriorates it must be compensated for; but I cannot see the necessity 3229 for the scandalous condition in which our streets are maintained, mainly from the fact of having railroad cars in them to-day I regard it as being absolutely scandalous, the condition of our streets, mostly where railroad tracks go through them.

By Mr. Everts :

Q. Your remarks apply generally? A. Of course?
 Q. You refer particularly now to pavements? A. I refer to the pavements and to the tracks; yes, sir, as unsuitable. Q. Do you apply that to all streets, such as have railroads on them and such as have not? A. No; I would say this, that all our streets should be in a much better condition than they are; our track streets—where railroad tracks go—should 3230 be better; here is a connection (illustrating); here comes a stone pavement and there a narrow way; now, you have not only to overcome the special restrictions—this narrow place where the tire comes in—but there wears a deep rut alongside of the railroad track itself, which is as dangerous as the track itself; now, who is to take care of this; the railroad company takes care of the railroad track; take our Fulton Street—we have 4 feet 8 belonging to the railroad company; on the other side the city takes care of it; there cannot be anything in good order, or any business properly conducted, that has not got one head; there cannot be a divided interest in your streets, as they are being maintained now—the railroad company to take care of one or two narrow strips in the street and the city to take care of the balance.

3231 *By Commissioner Harris :*

Q. On these railroad tracks, the space between the tracks is under the supervision of the proper department of the city, is it not? A. Yes, sir; but you have the tracks. Q. They do their duty, and the city performs its duty? A. Probably, but the duty is not done; I believe in the city having the entire control of the streets; the streets are too important; locomotion grows more and more as the city increases in population; it seems to be one of the most important things we have got; it seems to me that almost everything else can be left to private enterprise; but our streets are the great problem, in my judgment, looked at from the foreign standpoint.

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Cross-examination by Mr. Scribner :

Q. I want to ask you a question or two: How long have you lived in Brooklyn? A. I moved to Brooklyn in 1846. Q. And you have lived there ever since? A. Yes, sir; in the house I am now occupying. Q. Since 1846 you have not been, at any time, a citizen of the City of New York? A. No, sir. Q. When was it that you formed the opinion that New York was an uncivilized city? A. In so far as its streets— Q. Please answer my question; I have been listening to you for some time, and I want to make it short; you have expressed an opinion that New York is an uncivilized city, and I want to know when you first formed that opinion? A. I always thought things were not as they should be, and I especially formed that opinion after traveling through European capitals. Q. How long ago was it that you first formed the opinion that New York was not an uncivilized city? A. Except so far as the streets are concerned. Q. Nevertheless, you have been living in this uncivilized city, and making millions of money? A. Not millions. Q. You have made sufficient, coming here as a clerk, to have invested five hundred thousand dollars in property in Fulton Street alone? A. Yes, sir. Q. Will you please tell me how much of that money you made before the street railroad system in New York was inaugurated? A. I really don't know when the first railroad was inaugurated. Q. It was about 1853 or 1854 that the first street railroad was constructed in New York; of the millions of money that you have accumulated in the drug business, done in

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Fulton Street, what proportion have you made since 3234 the inauguration of street railroads in this uncivilized City of New York? A. I do not think it incumbent to tell what I am worth now. Q. I have not asked you that; what proportions of your millions have you accumulated since the inauguration of street railroads in this uncivilized city? A. If you put the date of street railroads at 1853, as the commencement—I did not know it was, but you say it was—I have made since 1853—I lost in the Southern rebellion a fortune; I lost one-half of what I was worth in the Southern rebellion; but I am worth now—

Q. Was that by trusting the rebels? A. By selling goods to the South, as I should have done. Q. Giving credit to the rebels? A. Not rebels; they 3235 were not rebels before 1860 or 1861; recollect that I am a patriotic man.

Mr. Scribner: I am not disputing that.

The Witness: You would not call the Southern people rebels in 1853, would you.

Mr. Scribner: They were rebels during the war from 1861 to 1865, and that is about the time you lost your money.

The Witness: We lost one-half of all we were worth in 1861; the war commenced in 1861; now, I was worth at that time about one-third what I am worth to-day.

Q. In 1861? A. Yes, sir; I was worth about one-third of what I am worth to-day; just about. Q. Then you made the fortune that you now possess 3236 since 1861, notwithstanding the existence of this nuisance that you complain of, street railroads, in this uncivilized City of New York? A. Yes, sir. Q. And all that time you have been engaged in business in Fulton Street, with a street railroad line in front of your store? A. I do not think the street railroad has been there as long as you say. Q. You have been in Fulton Street since 1861? A. I have no stock in those roads— Q. I presume you have not, otherwise you would not characterize them as nuisances as you have; but the question I ask you is, how long have you been in Fulton Street at your present location? A. We moved there in 1855. Q. And about the year 1864, was it not, there was a railroad constructed in Fulton Street in front of your building? A. I could not tell you; I do not recollect. Q. There has been in Fulton

- 3237 Street, ever since in or about the year 1864, during about twenty years past, a railroad running right in front of your door? A. And so great a nuisance that we—— Q. I did not ask you that; only answer my question; you have had abundant opportunity to give your views, and I only want now to get an answer to some very simple questions; for twenty years past there has been a railroad running right in front of your door? A. I suppose so; yes, sir. Q. And it has brought to you customers, who have bought of you drugs amounting to hundreds of thousands of dollars? A. I don't know that the railroad has. Q. But you know that hundreds and thousands of people every year come to your doors who traverse the railroad that is in
- 3238 front of your door and they come there and buy your goods? A. Certainly, more or less travel goes on the railroads. Q. Certainly, more or less of your customers traverse Fulton Street on the Bleecker Street Railroad, and have for twenty years past? A. Yes, sir, I presume they do. Q. And you have been selling them goods and you have made money on them? A. We have made some money, of course, and ought to have made some. Q. All that time you lived in Brooklyn, and now you denounce the street railroads, and denounce the City of New York as an uncivilized city, where you have done your business and made your fortune? A. I expect to live in New York all my life. Q. You have done business in Fulton Street during twenty years past,
- 3239 and there accumulated a large fortune? A. Yes, sir. Q. It was derived in some degree, a portion of it, from customers brought on the railroad running right in front of your door; and yet you denounce the railroads as a nuisance? A. I certainly do. Q. You have spoken in terms of commendation of the elevated railroad; would you like to see an elevated railroad constructed in Broadway. A. No, sir.
- Q. Have you any doubt that a railroad on Broadway would improve the value of property on portions of Broadway? A. I doubt it; if I owned a store in Broadway I should oppose a railroad. Q. Suppose you owned a store on Broadway, situated between Canal Street and Fourteenth Street, which had for years past stood vacant, without tenants; would you then advocate or denounce railroads on Broadway? A. Would you like me to answer that—— Q. You have had abundant time to express

your views, and I presume the Commissioners will 3240
 give you more time ; but, if it is all the same to
 you, I prefer to get answers to the questions I put,
 for I am asking about matters I want information
 upon, and I do not care for opinions on any other
 subject? A. The probability is, that if I owned a
 store where you describe, and the store stood empty,
 I might advocate a railroad on Broadway, but I
 would entertain a very poor opinion of Mr. Robbins
 for doing it, because I would consider that Mr.
 Robbins had no right to call for any improvement
 to improve his own personal property ; I might do
 it. Q. You never did entertain a poor opinion of
 Mr. Robbins, did you? A. Sometimes ; I have
 done things I have been ashamed of. Q. You have
 done things that you have been ashamed of? A. 3241
 Yes, sir. Q. During the forty-six years that you
 have lived in Brooklyn, has that city grown in pop-
 ulation and grown in the number of buildings? A.
 Very largely. Q. Do you suppose it would have
 grown one-tenth in population, or one-tenth greater
 in the number of buildings, as it now is, if there
 had been no street railroads in that city? A. I con-
 sider street railroads a necessity ; no doubt about
 that. Q. How do you reconcile that remark, that
 street railroads are a necessity, with the remark that
 you made some few moments ago, that you regard
 street railroads as an unmitigated nuisance? A. I
 regard street railroads, as at present conducted un-
 der charters conferred by the Legislature of our
 State, giving them control of a small portion of our 3242
 streets, and leaving the rest in the hands of our city
 —I consider that part, the whole State system, as a
 very great misfortune. Q. I want to get from you
 a decided expression of opinion, to see how you
 stand on that subject, and whether you adhere to
 the opinion that you first expressed, that you con-
 sider street railroads here an unmitigated nuisance,
 or whether they are a public necessity? A. You
 misinterpret my words. Q. I took you down as
 you said? A. I don't know how you took me
 down ; I know what I mean, and what I say ; I in-
 tend to say, that improved means of locomotion be-
 come more and more necessary as the city increases
 in population ; locomotion is the great problem of
 all cities, but I want a much more decent and re-
 spectable means of location than we have, and less
 injury done to our public thoroughfare. Q. As I

3243 understand you, your main objection to street railroads is, that they take from the city, or the city delegates to a railroad, the power of maintaining and keeping in repair a certain portion of the pavement, and you think it all ought to be done, either by the railroad or by the city? A. That is precisely it. Q. If a system is devised which shall keep the pavements of the streets, through which the tracks run, in as good condition as it would otherwise be except for the construction of railroads, would that obviate every objection you have against the construction of a railroad on Broadway? A. No, sir; it would not; and I will tell you why: I suppose that we should, as a great city, conserve certain routes for private people—for carriages to pass up
3244 and down; no carriage can pass safely in a street with a railroad track in it.

Q. Have you had occasion to observe what proportion of the vehicles travelling in Broadway, at any time during ten years past, are private carriages? A. I think they are a very small proportion, because our trucks now all seek Broadway for the reason that it has no railroad track in it; no man goes into a street with a railroad track in it if he can avoid it, as I described here before. Q. You have talked about that; now, in travelling from your store to your house, or from your house to your store, you have told us, I believe, that you have occasion to ride over the Brooklyn Bridge in your own carriage four times a day? A. Yes, sir,
3245 usually. Q. You do not patronize the cars running over that bridge? A. No, sir. Q. You do not patronize the street-cars of Brooklyn? A. No. Q. You do not patronize the street-cars of New York? A. Oh, yes; in New York it is not always that I have my carriage here. Q. By preference, when you have to go anywhere, you take Mr. Robbin's private carriage? A. Decidedly; of course. Q. Then Mr. Robbin's idea on the subject of the needs of people naturally would be something different from that of a poor man, without five hundred thousand dollars worth of real estate in Fulton Street, and without a private carriage, and who had only five cents to pay for transportation? A. Not at all. Q. You think your ideas and the other man's correspond exactly? A. Yes, sir. Q. The five-cent man? A. Yes; decidedly; I employ a great many men, and we have to provide more or less for their

wants ; our sympathies are with them ; I commenced 3246
 at the bottom of the ladder myself ; I do not consider that anything should be done to accommodate Mr. Robbins, as an individual, to the injury of the poorest man in that community. Q. How often do you have occasion to go up Broadway at all, between Fourteenth Street and the Battery ? A. I always go there to Church Sundays, to begin with. Q. Where do you go to Church ? A. Dr. Bellows. Q. Do you travel up Broadway ? A. Always ; and on Sundays it is a very pleasant route ; if you put a railroad there it will not be. Q. Will you tell me whether a railroad in Broadway would injure the condition of Broadway for going up the street to Doctor Bellow's Church ? A. You ask me what I think ; I think probably that a railroad in Broadway 3247
 would be no worse than the average ; but certainly Broadway is a great deal better without a railroad in which to drive a carriage. Q. Have you had occasion to observe the effect of railroads on property in Sixth Avenue ? A. I came into the possession of a store there some years ago, about the time they were building the elevated road and had to sell it ; I took it for a debt. Q. You are sorry you sold it ? A. No ; we should not have kept it ; we ought not to be retailers as well as wholesalers ; I was obliged to keep it for about a year to rent it ; I had this experience ; I do not care for either one side or the other ; I am giving you my individual opinion.

Mr. Scribner : I thought you had a very decided 3248
 opinion.

The Witness : I am giving you my experience in that ; the elevated railroad frightened the landlord and I got a very good lease of the store ; that is the first start I made ; then I held on to it for a year and sold it without much loss ; I was told by the man who bought it that the elevated railroad does not injure it very much ; that is all I know about it. Q. I want to invite your attention to the corner of Fourteenth Street and Sixth Avenue, where there is not only an elevated railroad on Sixth Avenue and a surface road on Sixth Avenue, but there are two cross-town railroads on Fourteenth Street ; I ask you how the value of property on the corner of Sixth Avenue and Fourteenth Street compares with the value of property on Eighteenth Street, or any other street on which there is no cross-town railroad ?

3249 A. I have no experience on that matter; I cannot give any opinion, because I have no facilities on which to base an opinion.

ROBERT F. AUSTIN, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Evarts:

Q. What is your business? A. I am in the wholesale grocery business, in the City of New York. Q. What is the name of your firm? A. Austin, Nichols & Company. Q. Where are they located? A. In the American Express building, numbers 55 to 61 Hudson Street, corner of Jay. Q. 3250 You have been engaged in that business in New York for how long? A. I have been engaged in such business in New York for twenty-five years. Q. You are on the North River side? A. I have been on the North River side since 1862; I was in Front Street for two years; my main business for twenty-two years has been on the North River side, and very nearly in the vicinity where we now are. Q. Do you have occasion, in your business, to transport merchandise through the City of New York? A. Yes, sir. Q. For that purpose do you employ trucks? A. Yes, sir. Q. How many? A. I should judge we employ of double trucks about twenty, as near as I can recollect; six or eight single trucks and city wagons for city delivery. Q. 3251 In your business of wholesale groceries you import and export? A. Both. Q. The same in domestic provisions as well? A. Yes, sir. Q. And distribute over all parts of the country? A. All parts of this country and a portion of some foreign countries. Q. What effect upon the traffic of Broadway would it, in your opinion, have to place a double track horse railroad upon it from the Battery to Fourteenth Street and operate cars thereon? A. My judgment is that it would be injurious. Q. Injurious? A. It would be a detriment. Q. Is there, in your opinion, any public demand, or necessity, for such a road from the Battery to Fourteenth Street? A. I do not think in the present condition of transit of passengers—a single passenger going from point to point in the City of New York—that there is any necessity for a railroad in Broadway at the present time.

Cross-examination by Mr. Scribner :

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Q. Where do you live? A. I live in Brooklyn.
 Q. How long have you lived in Brooklyn? A. Twenty-five years. Q. And no part of that time in the City of New York? A. No, sir. Q. Do you have occasion to travel on Broadway very much? A. Yes, sir; a good deal. Q. When you are on Broadway how do you travel? A. I usually—— Q. By Shanks' mare, or how? A. If I don't feel tired I go on foot; and if I do I jump into an omnibus. Q. Do you usually find an omnibus pretty full? A. I haven't found them so full as I did five or six years ago. Q. Within a recent period their fare has been reduced to five cents, has it not? A. Not within a very recent period I don't think. Q. Within about what period; how long is it since they have been 3253 carrying passengers for five cents? A. I think they have been carrying passengers for five cents since about 1876. Q. Haven't the number of passengers they have carried been doubled in consequence of the reduction of their fare? A. I should think not.
 Q. Are there not a good many hours of the day when it is almost next to impossible to find a vacant place in a stage? A. I don't speak in detail on that subject, because I go into Broadway in the middle of the day when I don't see the greatest crowd. Q. The greatest crowd, as to stages, is in the morning and evening hours, and not in the middle of the day? A. I should think so. Q. You have not had occasion to observe the omnibuses in those hours when they are most filled? A. No, sir. Q. Have 3254 you had occasion to be on Broadway on a rainy day? A. Yes, sir; very frequently. Q. Then the accommodation of the omnibuses is quite inadequate, is it not? A. That would be the natural result. Q. On a rainy day it is next to impossible to get accommodation inside of a stage, is it not? A. No, sir; I don't think it is next to impossible, but it is more difficult. Q. A standing position can be got on the inside of a stage, but that is very uncomfortable, is it not? A. It is to me.

By Mr. Everts :

Q. Did you ever find it difficult to get a seat in a horse-car? A. Before the elevated roads were built I used to find it very difficult sometimes; I don't find it difficult now; I frequently have occasion to go up Sixth Avenue on business, and I find a seat.

3255 Q. In the middle of the day? A. Yes, sir. Q. Do you ever travel in the early hours and the late hours? A. Not much; I take the bridge. Q. Is it pleasant for you to stand up in a horse-car—a crowded horse-car? A. That depends a little on who happens to be sitting in the seats that I am between; but as a rule, physically speaking, it is not pleasant. Q. Did you understand my question; I say standing? A. I might, if there was a person on a seat that I didn't admire; I would prefer to stand; but physically speaking, I would prefer to sit down. Q. It is not as comfortable to stand as it is to sit down? A. No.

By Mr. Fuller:

3256 Q. How often have you gone up town in a horse-car between half-past four in the afternoon and seven o'clock in the evening in the last year or two years? A. I should think perhaps I have gone up at that time in the night ten or fifteen times. Q. In the last year? A. Within the last year or two, you said. Q. Within the last two years you have gone up ten or fifteen times? A. Yes, sir. Q. Between 4 and 7 in the evening? A. Yes, sir. Q. How often have you ridden up to One Hundred and Twenty-fifth Street in the elevated railroad? A. I don't think I have ever ridden up to One Hundred and Twenty-fifth Street in the elevated railroad cars in my life. Q. Then you don't know the necessity of more accommodations to accommodate the people in Harlem? A. I don't live at One Hundred and Twenty-fifth Street. Q. How often have you gone up or gone down in the elevated cars in the morning in the last two years? A. I should judge twenty times. Q. What hour in the day? A. You asked me between what hours; between half-past 4 and 6; I should judge twenty times as a rough estimate. Q. Do you think we have all the accommodations that are necessary on New York Island to travel up and down night and morning conveniently? A. I think we have all the accommodation in the City of New York for moving the individual that you have a right to demand, commensurate to the rights of other people who have to move other things; for instance, property; I don't think the movement of an individual is so important that every other interest in the city must be subject to their convenience and to its inconvenience; I think in regard to that

matter that there is a fair principle involved ; that the city should afford or should permit to be afforded all reasonable opportunity for the individual to go from point to point ; but I don't think it is so overwhelming that it should be made burdensome to other interests belonging to people who live here and work here and employ labor here, and, perhaps you might say, who make their money here. 3258

Q. I suppose you are aware that nearly three millions of people travel up and down and across New York Island ? A. I am not aware of that, but it may be so. Q. Two hundred and eighty million people traveled last year ; I think in Brooklyn only about ninety millions ; you are not aware that the facilities we now have are insufficient to accommodate more than one-half, nights and mornings ; you are not aware of that fact ? A. I am not. Q. Suppose it was necessary and indispensable, and that the property-owners demanded a railroad on Broadway, what kind of a railroad do you think should be built there, or what kind do you think would be the best ? A. I am hardly sufficiently posted on these matters to give an opinion ; my opinion is that if we get a road here I should rather have a cable-road ; I will say further—having the same conveniences for ingress and egress and to start and stop, and all that. 3259

By Mr Scribner :

Q. What would you expect to do with all the pipes and sewers—the water-pipes and gas-pipes and sewers that are under the streets ? A. I think if a cable-road could not be built without too great an inconvenience to those things, it ought not to be built. Q. You know the soil underneath Broadway is filled with the pipes I have described—sewer-pipes, gas-pipes and water-pipes and telegraph wires, and things of that kind, do you not ? A. I suppose it is. Q. Are you aware that the construction of a cable-road would require the construction of two trenches 4 feet in width and four feet in depth to be constructed the entire length of Broadway ? A. I don't think that, but it may be so. Q. Suppose that to be a fact, do you not think that McKesson & Robbins would have use for all their quinine to feed people who would catch the malaria from the turning up of the soil ? A. I don't know anything about the malaria. Q. It would contribute very largely to Mr. Robbins' busi- 3260

3261 ness, would it not? A. I don't know anything about his business; I don't think Mr. Robbins' business has anything to do with the railroad. Q. He would sell tons of quinine where he does not now, would he not? A. I am an advocate of every facility for the improvement of the city; I came here with a little of the view that I ought to stay away, because I am a citizen of Brooklyn; I regard the City of New York as a peculiarly-shaped city; I think the transit of property here has to go over larger distances in going from stores than it would if this city fronted on a main front and it was not between two rivers; take a business like mine; I pay out a great many thousand dollars a year for labor, horses and all that; and I think if this city was built in the way I speak
 3262 of, right on a main front on the river, I could do that work a good deal cheaper; I say, if we are to have accommodations, that the City of New York, outside of its commerce—there are people who come here to spend their money and who are, of course, a small proportion of the citizens; but I think the duty of the city is to give facilities for moving the individual and at the same time saving the rights of the people who work here and do business here; for instance, take the East River and the North River, with a large business on both sides of the city; if the city fronted on a main front you would not cross Broadway, because the business centres would be at one point.

3263 *By Mr. Scribner :*

Q. The railroad facilities in Brooklyn are much better than those in New York, are they not? A. I should think not. Q. There are more street-cars running in Brooklyn than in New York, are there not? A. I am not posted on the statistics in that matter. Q. There are a great many cars running in Brooklyn? A. Yes, sir.

Mr. Evarts : That closes all my witnesses of that class.

Mr. Scribner : Is there nobody else from Brooklyn or Jersey City that you can bring?

Mr. Evarts : No; I will call Mr. Gaylor.

EDWARD S. GAYLOR, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

By Mr. Evans :

3264

Q. You are in the employ of Pinkerton's agency ?
A. Yes, sir. Q. Were you employed on the 6th of February to count the traffic on Broadway, and if so, where and at what times ? A. At Twenty-first Street and Broadway. Q. At what hour ? A. The hours were from two to four in the afternoon ; two hours. Q. Have you a statement of that count ? A. Yes, sir. Q. With the number of vehicles ? A. Yes, sir. Q. Will you produce it ?

(The witness produces a paper.)

Q. Did you take them every fifteen minutes ? A. Yes, sir. Q. Going which way ? A. Going south.

(The paper is marked "Exhibit 1, February 19th, 1885.")

Q. On the paper marked "Exhibit 1, February 19th, 1885," is the tabulated statement of the number of vehicles going south an accurate statement thereof ; was it compared by you with your original memorandum ? A. Yes, sir. Q. I will ask you to produce the one of the 7th of February ? A. That was at 343 Broadway, corner of Leonard Street ?

(The witness produced the paper.)

(The paper is marked "Exhibit 2, February 19th, 1885.")

Q. What were you employed to do on February 7th, in reference to counting the traffic on Broadway ? A. I counted the number of vehicles passing that point, going south, between the hours of 2 and 4 P. M. ; the omnibuses and carriages and all other vehicles, such as trucks, wagons, &c. Q. They are all separately classified ? A. Yes, sir. Q. In fifteen-minute intervals or periods ? A. Yes, sir. Q. Do you mean that you counted it for fifteen minutes and then stopped for fifteen minutes ? A. No, sir ; they were put in periods of fifteen minutes each. Q. This was at 343 Broadway, on the corner of what street ? A. Near the corner of Leonard. Q. The travel which way was counted by you ? A. Going south. Q. These figures on Exhibit 2 of this date in that table, showing the travel going south, are an accurate statement of the number of vehicles in those respective times ? A. Yes, sir. Q. On February 9th were you stationed at the corner of Broadway and Fulton Street ? A. Yes, sir. Q. Above or below ? A. I was at the upper corner. Q. You were in Knox's building ? A. In Knox's building, yes, sir. Q. Did you count the travel going north

3266

3267 or south? A. Going south. Q. Between what hours? A. Between two and four in the afternoon.

(The witness produces a paper, which is marked "Exhibit 3, February 19th, 1885.")

Q. Do you make the same statement in regard to the accuracy of the statistics concerning the travel going south, on Exhibit No. 3, that you did about the others? A. Yes, sir. Q. On February 13th what were you employed to do, and what did you do? A. From No. 328 Broadway I counted the vehicles between the same hours; 2 to 4 P. M.

(The witness produces a paper, which is marked "Exhibit 4, February 19th, 1885.")

Q. Where is 328 Broadway? A. 328 is Teft, Weller & Co's. Q. At the corner of Worth Street?

A. Near the corner of Worth Street.

3268

By Mr. Scribner:

Q. You counted south all the time? A. Yes, sir. Q. Somebody else counted north? A. Yes, sir. Q. You only swear to the accuracy of half of this table? A. That is all.

By Commissioner Harris:

Q. Each was on a different day? A. No two together; one was north and the other south. Q. But they were on different days? A. Yes, sir. Q. How many different days did you count? A. Four, I think. Q. Was there any rainy weather? A. The day we were at Teft, Weller & Co's. it snowed a little bit, I think, during the last half hour; and

3269 I believe on one other day at Knox's it stormed and rained a good deal.

By Mr. Everts:

Q. On the 13th of February from 2 to 4 o'clock you counted the traffic going south, as you did on the former days? A. Yes, sir. Q. Do you make the same statement with regard to the accuracy of the table showing the traffic going south on exhibit 4 that you do as to others? A. Yes, sir. Q. On the 13th of February, the same day that you counted near the corner of Broadway and Worth Street, did you count at any other point on Broadway? A. I counted at Fulton Street at Knox's. Q. At what hour? A. From 9 to 11. Q. Did you count as before the traffic going south? A. Yes, sir; going

south. Q. And did you divide it or classify the traffic into omnibuses, carriages and other vehicles? 3270

A. Yes, sir. Q. You classified it also into periods of 15 minutes each? A. Yes, sir.

(The power produced by the witness is marked "Exhibit 5, February 19th, 1885.")

Q. Do you make the same statement in regard to the accuracy of the statistics as to the traffic going south on Exhibit 5, as you did in respect to the others? A. Yes, sir. Q. Was anyone with you at those times? A. Yes, sir; the man that was counting north. Q. Who was he? A. Mr. Brady. Q. J. J. Brady? A. Yes, sir. Q. On the 14th of February were you employed to do certain work at the corner of Seventeenth Street and Broadway, and if so, what was it? A. Yes, sir; to take the number of omnibuses and the time, the exact time, of their passing the corner of Seventeenth Street and Broadway going south, from 9 to 9.30 o'clock A. M.; and from 9:30 to 10 o'clock A. M. the exact time and numbers of the omnibuses going north. Q. These omnibuses included both the Twenty-third Street and South Ferry line and the Madison Avenue and Wall Street line? A. Yes, sir; those two lines. Q. Did you count all the omnibuses which passed? A. Yes, sir. Q. In that way? A. Yes, sir. Q. You accurately took the time of their passing, did you? A. I did. Q. Have you the result of your observations on that morning tabulated? A. That was February 14th.

(The witness produces a paper.)

Q. What time did your watch agree with at that time? A. Tiffany's. Q. What was the weather on that day? A. The weather that morning was clear. 3272 Q. The streets were unobstructed by snow or ice? A. Yes, sir; I am mistaken about the clearness; I got those mixed up.

Q. This is the 14th? A. It drizzled; there was a little rain.

Mr. Ecarts: The statement of this day is on two pieces of paper; I will have them marked separately.

(The paper is marked "Exhibit 6, February 19th, 1885"; and the second sheet is marked "Exhibit 6, No. 2, February 19th, 1885.")

Q. Does Exhibit 6, No. 2, correctly state the result of your operations? A. It does. Q. Did you compare your time with Benedict's standard time

3273 after you completed this work? A. Yes, sir. Q. How did his time differ from yours? A. Thirty seconds. Q. In what way? A. Thirty seconds fast. Q. Benedict's was thirty seconds faster than yours? A. Yes, sir. Q. Your time was Tiffany's? A. My time was Tiffany's. Q. On the 18th were you stationed at the corner of Seventeenth Street and Broadway? A. Yes, sir. Q. At what hour? A. The same hour; from nine to ten; taking the number and time of stages going down from 9 to 9.30; from 9.30 to 10 of those going up. Q. What was the weather that morning at those hours? A. Stormy; snow; it had been snowing. Q. About how much snow had fallen? A. I should judge there was some three or four inches, or five inches; the stages were all doubled up.

3274 *By Mr. Scribner :*

Q. By doubled up you mean running four horses instead of two? A. Yes, sir.

By Mr. Everts :

Q. Had you compared your watch with that of any other person before you began to take this count on the 18th of February? A. Yes, sir. Q. Who with? A. With the other man. Q. What other man? A. With Mr. Brady. Q. J. J. Brady? A. Yes, sir; and Mr.— Q. I don't care for the others; did you also compare your watch with his after you had finished? A. Yes, sir. Q. Did they agree? A. They were exact; yes, sir. Q. Both 3275 times? A. Both times. Q. Have you the result of your count tabulated? A. Yes, sir.

(The witness produces a paper, which is marked, "Exhibit No. 7, February 19th, 1885"; and the second page is marked, "Exhibit 7, No. 2, February 19th, 1885.")

Q. Does Exhibit 7 correctly state the result of your count on the 18th of February? A. Yes, sir.

Cross-examination by Mr Scribner :

Have you attempted in any of these tables that you have prepared to distinguish between private carriages and Hackney coaches? A. No, sir. Q. Are you able to say what proportion of the vehicles traveling on Broadway, south of Fourteenth Street, and any or either of these points where you were

stationed, was composed, on any or either of those 3276 occasions when you made the counts of private carriages? A. Well, I think a small number of them. Q. They are mighty scarce, are they not, on Broadway, below Fourteenth Street? A. I think so.

By Mr. Evarts :

Q. Were there any total stoppages of travel on Broadway at any time while you counted? A. At Fulton Street I made note of one stop of about five minutes. Q. That was at Fulton Street? A. Yes, sir. Q. Have you your original record? A. Yes, sir. Q. Was it not at Worth Street, up at Teft, Weller & Cos.? A. I was just thinking I made that mistake. Q. That was February 13th, was it not? A. Yes, sir; it was at 328 Broadway. 3277

Q. On the 13th of February? A. Yes, sir. Q. For how long did it continue? A. Five minutes. Q. What was it caused by? A. The cause was a horse falling. Q. That was the only blockade that occurred while you were engaged in taking any of these counts that you have testified to? A. Yes, sir.

By Commissioner Harris :

Q. You did not count the persons traveling on foot, did you? A. No, sir.

By Mr. Scribner :

Q. How many of these dates were you stationed at Knox's at the corner of Fulton Street? A. Once. 3278
Q. Only one day there? A. One day; that is, I have — Q. For two hours? A. For two hours. Q. That was in the busiest time of the day? A. From 9 to 11. Q. That is generally the busiest part of the day there, is it not? A. I think not. Q. What busier time of the day can you find than that? A. Some days I think there is more travel—more trucking. Q. Your object and intention was to select the point on Broadway where there was the most travel, and the time of the day when there was the most travel? A. Yes, I think so. Q. That was your object in picking out these points? A. I didn't pick them out myself. Q. Those points were indicated to you by Mr. Evarts? A. No, sir. Q. Who did? A. My superintendent; assistant superintendent. Q. What superintendent? A. Of the agency. Q. You are connected with Pinkerton's

327.) agency? A. Yes, sir. Q. And in all your watching you never discovered a block in Broadway anywhere except at Worth Street, and that was caused by a falling horse, and it only occupied about five minutes time? A. That is all; the travel was very light comparatively on each of the days. Q. On the 18th of February the streets were encumbered with snow, and the stages that you saw were drawn by four horses; the cars on that day were also drawn by four horses to a large extent, were they not? A. Yes, sir. Q. They were doubled up? A. Yes, sir. Q. And, according to your general notion of things in New York, in that condition of the streets everything is in general confusion and hubbub? A. As a rule, down town. Q. As a rule, down town, when 3280 the streets are covered with snow, and the stage-horses, unaccustomed to being driven four-in-hand, are doubled up on the stages and cars, it produces confusion and hubbub, does it not? A. I think it does; yes, sir. Q. On that day, the 18th, do you know whether, during the business portion of that day, the trucks and business wagons did not by choice seek those streets where there were railroad tracks which had been properly cleaned and swept with snow-ploughs? A. On that portion of Broadway where I was on that day there was not any great amount of travel by trucks, at that time of the morning. Q. At Seventeenth Street? A. At Seventeenth Street; I was not taking count of the passing traffic. Q. You were counting omnibuses on that day? A. That is all. Q. You did not 3281 count the other vehicles in the street at all? A. No, sir. Q. You had an opportunity to observe that the cars were doubled up on that day as well as the stages, at that position? A. Yes, sir; I don't know whether they were all doubled up or not; I noticed some of them had four horses. Q. The Fifth Avenue line of stages do not pass Seventeenth Street? A. Not on Broadway.

Q. So that at that position at Seventeenth Street you only had an opportunity to count the stages running on the Madison Avenue line and Twenty-third Street line? A. That was all. Q. Two or three lines run in Broadway? A. Two or three; yes, sir.

By Mr. Ecarts:

Q. Are you not mistaken in saying that you took count from Knox's store but once? A. I took two

counts there; yes, sir. Q. You have already testified that you took a count there on the 9th, from two o'clock to four, and on the 13th from nine to eleven? A. Yes, sir. Q. Those are the busy times of the day in your experience in New York, are they not? A. Yes, sir. Q. Did you have anything to do with the selection of the position, or of the hours when the work was to be done? A. No, sir; nothing whatever. Q. Did you know for whom the work was done? A. No, sir. Q. Or for what? Q. No, sir; I received my orders. Q. You received your orders and obeyed them. A. That is all.

By Mr. Scribner :

Q. You remember that all the time you were at Knox's, you did not see any block? A. Nothing worthy of any mention at all. Q. That is the busiest spot on Broadway that you know of, is it not? A. Yes, sir; it is a very busy spot. Q. You were watching at that point for two days? A. Yes, sir. Q. And you saw no stoppage or block? A. Nothing more than the stoppage by vehicles crossing the street. Q. That is not only because of the trucks and vehicles running on Broadway, but in consequence of vehicles running across town where they constantly pass from Jersey City and Brooklyn? A. Yes, sir. Q. And in all that time you never saw a block there? A. No, sir.

JOHN J. BRADY, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

By Mr. Evarts :

Q. You have heard Mr. Gaylor testify? A. Yes, sir. Q. Are you in the employ of Pinkerton's Agency? A. Yes, sir. Q. Were you with Mr. Gaylor on the 6th of February, on the 7th of February, on the 9th of February, and on the 13th of February, at 9 o'clock, and on the 13th of February, also, at 2 o'clock? A. Yes, sir. Q. On those occasions what did you do in his company? A. On the 6th, at Twenty-first Street and Broadway, I took the count of all the vehicles passing north from 2 until 4 o'clock P. M. Q. On each of those occasions did you count the vehicles going north while he counted

3285 those going south? A. Yes, sir. Q. Did you make an accurate count of all the vehicles going north? A. Yes, sir. Q. Did you classify them as "Omnibusses," "Horse-cars," "Carriages," and "All Other Vehicles"? A. Yes, sir. Q. And apportioned them in periods of fifteen minutes each? A. Yes, sir. Q. I show you Exhibits 1, 2, 3, 4 and 5, of this date, and ask you whether the tables, showing the traffic going north, are an accurate statement of the result of your count? A. Yes, sir.

Mr. Everts: Now, I will offer those in evidence.

Q. Were you employed on the 14th of February to take any count of traffic in Broadway, and, if so, what? A. On the 14th of February I was instructed to go to the corner of Barclay Street and Broadway
3286 and take a count of the numbers and exact time of all omnibuses passing north from 9 o'clock to 9.30 A. M.; and from 9.30 o'clock to 10 A. M., passing south at that point. Q. Were you instructed to take the numbers of omnibuses or only those of certain lines? A. Of certain lines. Q. What lines? A. Wall Street and South Ferry. Q. Did you take such a count? A. Yes, sir. Q. With what time did your watch agree? A. Benedict's. Q. Have you the result of your work?

(The witness produces it.)

The paper is marked "Exhibit 8, February 19, 1885,"

The second sheet of the exhibit is marked "Exhibit 8, No. 2, February 19, 1885."

3287 Q. Does this accurately state the result of your occupation and count? A. Yes, sir.

Mr. Everts: I offer in evidence Exhibit 8.

Q. On the 18th of February were you employed to do similar work, and if so what? A. I was instructed for to go to the corner of Barclay Street and Broadway and take the number of stages of the Wall Street and South Ferry line passing north from 9 o'clock A. M. to 9.30; and from 9.30 to 10 passing south. Q. Did you do so? A. Yes, sir. Q. What was the weather that morning? A. Stormy. Q. It had been snowing? A. Yes, sir. Q. Did you know for how long? A. It was snowing before 4 o'clock. Q. About how much snow was there? A. About three or four inches. Q. Had your watch been compared with that of any one else before you began that count, and was it compared with the same watch afterwards? A. Yes, sir. Q. With whose? A. It

was compared with Mr. Gaylor's and the rest of the 3288 men in the operation. Q. Have you a table showing the result of your observation and count on the 18th of February? A. Yes, sir. Q. You now produce it? A. Yes, sir. Q. Is this an accurate statement? A. Yes, sir. Q. An accurate statement of the result of your observation and count? A. Yes, sir.

The paper is marked "Exhibit 9, February 19, 1885."

Mr. Everts : I offer that paper in evidence now.

By Mr. Scribner :

Q. In all your work on this business, did you observe any block anywheres in Broadway? A. I observed a block—not going north, no, sir; I did going south. Q. Where was that? A. At Teft & Weller's. 3289 Q. When was that? A. That was the 14th of February, I believe. Q. The 14th of February? A. Yes, sir. Q. You were employed how many different days altogether? A. I think four; four or five. Q. How many days were you stationed at Knox's, corner of Fulton Street and Broadway? A. Twice. Q. You were there at the busiest hour of each day? A. Yes, about the busiest. Q. When there were more vehicles in the street than at any other time? A. I could not say as to that. Q. About the busiest? A. Yes, sir. Q. When Broadway is usually most crowded? A. Yes, sir. Q. And you did not observe any block there at all? A. No, sir; not worth mentioning. Q. That is about the busiest corner in New York, is it not? A. Yes, sir. Q. There are more 3290 vehicles, ordinarily, running between the Astor House and Fulton Street than at any other point on Broadway; is not that so? A. Yes, sir; about as heavy. Q. It was a part of your instructions to observe whether blockades did occur or not, was it not? A. Yes, sir. Q. And you did not detect any such blockades down at Fulton Street? A. No, sir. Q. At that point there is not only the natural crowd of vehicles in Broadway, but the cross-town travel from Fulton Ferry to the North River? A. Yes, sir. Q. Wagons coming from the markets, from around Washington Market on the Jersey City side and from Fulton Market on Brooklyn side? A. Yes, sir. Q. And not a blockade occurred worth noticing? A. No, sir.

Mr. Scribner : I guess we can get a horse-car through there.

3291 *By Mr. Everts:*

Q. Does Fulton Street cross Broadway? A. Yes, sir. Q. Did you count any vehicles that went across? A. That crossed Fulton Street—going from Fulton Street? Q. Yes, sir? A. No, sir. Q. You counted the vehicles going north? A. Going north of Fulton Street?

By Mr. Scribner:

Q. Did you count any of the vehicles twice, or only once? A. No, sir, only once.

By Mr. Everts:

Q. You had nothing to do with the selecting of
3292 the place or the hour of this counting? A. No, sir.
Q. You did not know for what purpose it was being made? A. No, sir.

WILLIAM S. HEALEY, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Everts:

Q. You are in the employ of Pinkerton's Agency?
A. Yes, sir. Q. On the 14th of February were you employed to do any work for them, and, if so, what? A. Yes; I was instructed to go to Seven-
3293 teenth Street and Broadway, and count all the Broadway cars going down, between 9 and 9.30 o'clock, and get their numbers and the exact time of passing; and the same in going north, between 9.30 and 10 o'clock. Q. Did you do so? A. I did. Q. What time did your watch agree with? A. It agreed with the three other operators. Q. On the 14th of February? A. No, sir; the 14th, I believe, was Tiffany's time; Mr. Gaylor's watch and mine agreed with Tiffany's. Q. Did you compare with Benedict's time after going down town? A. Yes, sir, afterwards. Q. About what time? A. About 10.35. Q. How did it compare with Benedict's? A. We were thirty seconds slower. Q. You were thirty seconds slower than Benedict's time? A. Yes, sir. Q. How were the streets that day? A. Clear. Q. Clear and unobstructed? A. Yes, sir. Q. Have

you the result of your work that day? A. Yes, sir (producing it). 3294

Mr. Everts : I offer that in evidence.

The paper is marked "Exhibit 10, February 19, 1885."

Q. The paper, now produced by you, is an accurate statement of the results of your observations and count, is it? A. An abstract of my report; yes, sir. Q. What cars did you say you took? A. The Barclay Street and Broadway cars. Q. You did not take all the cars? A. Only the Broadway and Barclay Street. Q. On the 18th of February were you employed to do certain work, and if so, what? A. Just the same thing; the Broadway cars from 9 o'clock to 9.30, going south, and from 9.30 to 10, going north; and the numbers and times of passing Seventeenth Street. Q. That was the Broadway and Barclay Street cars? A. Yes, sir. Q. 3295 And you did that? A. Yes, sir. Q. The paper, now produced by you, is a correct statement of the results of your observation and count? A. Yes, sir.

Mr. Everts : I offer this paper in evidence.

The paper is marked "Exhibit 11, February 19, 1885."

Q. With whom was your watch on the 18th compared? A. Compared with the other three operators. Q. With Mr. S. B. Diehl's? A. Before and afterwards; I don't recollect the exact time. Q. Were they exact, both before and after? A. Yes, sir. Q. What was the weather that morning? A. Very stormy; snowing hard. Q. About how much snow was there? A. I don't know; it started to 3296 snow about 1 o'clock, and it was snowing at 10 or 11; it kept snowing all the time.

Q. The cars were drawn by four horses? A. Drawn by four horses. Q. But the track was swept clear? A. I should judge so; I would not be positive about that.

Cross-examination by Mr. Scribner :

Q. Do you know, by actual measurement, what the distance is from Barclay Street to Seventeenth Street, or the route traveled by stages? A. No, I don't. Q. Do you know what the actual distance is from Seventeenth Street to Barclay Street and Broadway, by the route traveled by the Broadway and Seventh Avenue cars? A. No, sir. Q. You do

3297 know, do you not, that the cars travel a much longer distance than the stages? A. I don't know anything about it. Q. You are familiar with the route of the Broadway and Seventh Avenue Railroad cars, are you not? A. Yes, sir. Q. You know that it is a crooked, zigzag, circuitous route to get from Seventeenth Street to Barclay Street and Broadway? A. No; I do not; I don't think it is. Q. Is not the car-route a half mile longer than the route the stages travels? A. I don't know; I am not an expert in distances. Q. From your general knowledge of the city and the knowledge of the route of stages and the route of the Broadway and Seventh Avenue cars, between Seventeenth Street and Barclay Street, would you not say that the car route was considerably longer than the stage route? 3298 A. I would not say anything about it; for I don't know anything about it; I don't profess to know anything about it. Q. Do you know what route the car travels from Seventeenth Street to Barclay Street and Broadway? A. Yes, sir. Q. Tell us? A. Down University Place and Wooster. Q. To what? A. To Canal; across to Greene, down Greene to Barclay, and up Barclay to Broadway. Q. You have left out West Broadway? A. Yes, sir. Q. College Place? A. Yes, sir; I beg pardon. Q. If you were going on foot, from Seventeenth Street and Broadway to Barclay Street and Broadway, and you desired to take the shortest route, would you follow the route which the stage took, or the route 3299 which the car takes? A. I would take the car, because I fancy it would go quicker. Q. If you wanted to go from Seventeenth Street and Broadway, and had your choice of the stage or car, which would you take? A. I guess I would take the car. Q. Because you think you would get down quicker? A. Yes, sir; and much more comfortably, too, I fancy.

Mr. Scribner : I am obliged to you for that.

The Witness : You are welcome.

Q. If you were going to walk, was my question, that you did not quite take in; if you were going to walk from Seventeenth Street, and you had not the 5 cents with which to pay your fare, and you had to walk from Seventeenth Street and Broadway to Broadway and Barclay Street, and you wanted to get there as quickly as possible, would you walk down Broadway and along the route which the

stage travels, or would you take the route which the 3300
car travels? A. I would take Broadway, by all
means. Q. You would follow the stage? A. I
would not follow the stage, but I would take Broad-
way. Q. You would follow the stage route? A.
Yes, sir; and because it is much more pleasant, too.
Q. The scenery is delightful? A. Yes, sir. Q.
Who counted the cars going north? A. Mr. Brady
counted the cars.

Mr. Scribner: Mr. Brady, did you count the
cars?

Mr. Brady: All the cars.

Mr. Scribner: And the omnibuses passing a
given point at given time?

Mr. Brady: Yes, sir.

Mr. Scribner: And Mr. Gaylor counted all the 3301
cars and omnibuses, also?

Mr. Gaylor: Yes, sir.

SAMUEL B. DIEHL, called as a witness on behalf
of Mrs. Boreel and the Board of Trade and Trans-
portation, being duly sworn, testified as follows:

By Mr. Evarts:

Q. Were you employed by Pinkerton's Agency?
A. Yes, sir. Q. Were you employed on the 14th
of February to do any work for them, and if so
what? A. I was; I went to the corner of Barclay
Street and Broadway, and from 9 o'clock to 9.30, I
took the numbers and the exact time of the cars 3302
leaving; and the same thing from 9.30 to 10 of the
cars arriving. Q. Did you compare your watch
with any time that morning? A. Benedict's time.
Q. How were you? A. I was two seconds slower.
Q. How were the streets that morning; was it
clear and unobstructed by snow or ice? A. Yes,
sir; clear. Q. Have you the result of your obser-
vation and count? A. Yes, sir. Q. Will you pro-
duce it? (The witness does so.) Q. This table on
two sheets of paper now produced by you is an
accurate statement of the results of your count? A.
Yes, sir.

Mr. Evarts: I offer that in evidence.

(The paper is marked "Exhibit 12, February
19, 1885;" and the second sheet is marked
"Exhibit 12, No. 2, February 19, 1885.")

Mr. Scribner: This has all been received; I have
not thought it worth while to object to it; I would

3303 like to object to the whole as wholly irrelevant and immaterial.

Commissioner Harris: We will take it subject to your objection.

Mr. Scribner: I presume your Honors will take it for what it is worth; that objection applies to the whole of those papers.

Q. On the 18th of February, what work did you do? A. At Barclay Street and Broadway, I took the number and the exact time of the cars leaving Broadway and Barclay Street from 9 o'clock to 9.30 A. M.; and the same thing from 9.30 to 10 arriving there. Q. You did that work on that morning between 9 and 10? A. Yes, sir. Q. What was the weather? A. It was snowing. Q. It had
3304 been snowing for how long? A. Since quarter to twelve that night. Q. Had a great deal of snow fallen? A. Yes, sir. Q. Did you compare your watch with that of Mr. Healey's, as he has testified, before you began taking this count, and after it was completed? A. Yes, sir; they all compared their time with mine before and after. Q. They all agreed with you? A. Yes, sir. Q. And your watch and Mr. Healey's were alike before and after the count? A. Yes, sir. Q. Have you the result of your observation with you? A. Yes, sir. Q. Is this paper which you produce an accurate statement of such result? A. Yes, sir.

Mr. Everts: I offer the paper in evidence.

(The paper is marked "Exhibit 13, February
3305 18, 1885.")

Mr. Scribner: I make the same objection.

By Mr. Scribner:

Q. At Barclay Street, how long did those cars stand after arriving? A. Some of them would stand about fifteen seconds, and others half a minute, and some a minute.

Q. There was some length of time occupied on the stand at Barclay Street? A. Oh, yes, certainly. Q. Before they returned? A. Yes, sir. Q. How about the other end of the route; do you know anything about that; you took no observation at the other end of the route? A. No, sir. Q. Respecting the time, I mean, of starting, or the time of remaining on the stand? A. No, sir. Q. You are a detective connected with Pinkerton's Agency? A. I am. Q. You are familiar with the streets of the city? A.

Very well. Q. You have lived here how many 3306
years? A. About 12 years. Q. You are familiar
with the route of the Broadway and Seventh Ave.
Railroad? A. Yes, sir. Q. You know the streets
through which they travel? A. Yes, sir. Q. In
going from Seventeenth Street to Barclay Street, is
their route a zig-zag and circuitous and roundabout
route? A. A roundabout way. Q. And the distance
traveled by the horses is much greater than that
traveled by the horses of the stages which proceed
down Broadway from Seventeenth Street to Barclay
Street, is it not? A. I think it is. Q. The stages,
in running from Seventeenth Street to Barclay
Street, pursue, substantially, a straight line, with-
out any turns or deviations, except at the corner of
Fourteenth Street? A. Almost; yes. Q. And the 3307
car has many turns to take and a much greater dis-
tance to travel? A. I don't know whether it has any
more than the other. Q. I will ask you the same ques-
tion that I asked the gentleman last on the stand:
If you were at Seventeenth Street and Broadway,
and desired to go to Barclay Street and Broadway
as quickly as possible, which of the two vehicles
would you take, a stage or a car? A. Well, I think
I would take the car. Q. You would take it because
it moves quicker and because it is a more comfort-
able vehicle? A. I think it is quicker. Q. You
think it is quicker, and you know it is more com-
fortable? A. I would not take either if I were in a hur-
ry. Q. If you were in a very great hurry, you would
take the elevated railroad? A. Yes, sir, certainly; 3308
always. Q. We are talking about a day when the
elevated cars get snowed under, or are not running, or
something of that kind; if you were at Seventeenth
Street and Broadway, and you wanted to go to Bar-
clay Street and Broadway, and you had not the five
cents with which to pay your passage in any vehicle,
and you were compelled to go afoot, would you, in
going to Barclay Street and Broadway, pursue the
zig-zag route which the cars travel, or would you
take the straight up and down course that the stages
travel? A. I would most certainly take Broadway.
Q. You would follow the stage route, and not the car
route? A. No, I don't think I would; I have often
done it. Q. I do not believe your answer, as taken
down, expresses what you mean; would you take
the stage route or would you take the zig-zag course
of the car? A. I would rather walk down Broad-

3309 way. Q. Because it is the shortest? A. Yes, sir. Q. You know it is the shortest? A. I think it is.

Mr. Evarts: I have bought some *City Records*, the petition and resolution I referred to the other day, and I will offer those in evidence.

The following is a copy of the petition and resolution :

"To the Common Council of the City of New York :

" The petition of the Broadway Surface Railroad Company respectfully shows :

3310 *" That your petitioner is a corporation duly organized and incorporated under and pursuant to the act of the Legislature of the State of New York, entitled 'An Act to provide for the construction, extension, maintenance, and operation of street surface railroads and branches thereof in cities, towns and villages,' passed May 6, 1884, for the purpose of constructing, maintaining and operating a street surface railroad for public use in the conveyance of persons and property in cars for compensation in City of New York, and that the said railroad is proposed to be constructed, maintained and operated upon and along the surface of the following streets, avenues and highways in the City of New York, viz.: Commencing at the southerly end of Broadway, near the Battery, and running thence through and along Broadway and across Fourteenth Street to and along Union Square to a point at or near the intersection of Fifteenth Street and West Union Square, there to connect with the now existing tracks in Union Square or Broadway, which run through Union Square, Broadway and Seventh Avenue to Central Park or Fifty-ninth Street, and the railroad for the construction of which this company has been formed is likewise intended to connect at its southerly end with the existing railroad tracks in Whitehall Street, State Street and Battery Place, in such manner as that by agreements between the owners of the respective tracks, passengers may be carried from South Ferry to the Central Park over a continuous railroad route, without change of cars and for a single fare of five cents, for the transportation of each passenger over the whole or any portion of said route.*

“ And your petitioner further shows that, pursu- 3312
 “ ant to the provisions of said act, it is necessary
 “ that the consent of the Common Council of the
 “ City of New York be obtained by your petitioner
 “ to enable your petitioner to construct, maintain,
 “ operate and use the railroad for the construction,
 “ maintenance and operation of which your peti-
 “ tioner was incorporated as aforesaid.

“ Your petitioner, therefore, prays and hereby
 “ makes application to the Common Council of the
 “ City of New York for the consent and permission
 “ to construct, maintain, operate and use a street
 “ surface railroad for public use in the conveyance
 “ of persons and property in cars upon and along
 “ the surface of the following streets, avenues and
 “ highways in the City of New York, viz.: Com- 3313
 “ mencing at the southerly end of Broadway, near
 “ the Battery, and running thence through and along
 “ Broadway and across Fourteenth Street to and
 “ along Union Square to a point at or near
 “ the intersection of Fifteenth Street and West
 “ Union Square, there to connect with the now ex-
 “ isting railroad tracks aforesaid in Union Square
 “ or Broadway, together with the necessary connec-
 “ tions, switches, sidings, turnouts, turntables and
 “ suitable stands for the convenient working of said
 “ road.

“ And your petitioner will ever pray.

“ Dated New York, June 30, 1884.

“ THE BROADWAY SURFACE RAILROAD COMPANY, 3314
 “ By JAMES A. RICHMOND, *President*.

“ *Whereas*, The Broadway Surface Railroad Com-
 “ pany, pursuant to Chapter 252 of the Laws of
 “ 1884, applied to this Board for its consent that the
 “ said company may construct, maintain and operate
 “ a railroad in the streets and avenues in the City
 “ of New York, hereinafter mentioned ; and,

“ *Whereas*, Due notice has been as required by
 “ the act aforesaid that such application would be
 “ considered, at the chamber of this Board on the
 “ fifth day of August, 1884, at eleven o'clock A. M.;
 and,

“ *Whereas*, at the time and place so designated
 “ such application was considered and all persons
 “ desirous of being heard in reference thereto were
 “ heard ;

“ *Resolved*, That the consent of this Board be, and

3315 "the same is hereby given, that the said The
 "Broadway Surface Railroad Company may con-
 "struct, maintain, operate and use a railroad, with
 "double tracks, upon and along the surface of the
 "following streets, avenues and highways, namely :
 "Commencing at the southerly end of Broadway,
 "near the Battery, and running thence, with double
 "tracks, through and along Broadway and across
 "Fourteenth Street, to and along Union Square, to
 "a point at or near the intersection of Fifteenth
 "Street and West Union Square ; there to connect
 "with the now existing tracks in Union Square or
 "Broadway, which run through Union Square,
 "Broadway and Seventh Avenue to Central Park or
 "Fifty-ninth Street, together with the necessary
 3316 "switches, sidings, turnouts, turntables and suita-
 "ble stands for the convenient working of such
 "road ; and also to connect at its southerly end
 "with the now existing railroad tracks in Whitehall
 "Street, State Street and Battery Place, in such man-
 "ner as that, by agreements between the owners of
 "the respective tracks, passengers may be carried
 "from South Ferry to the Central Park over a con-
 "tinuous railroad route, and for a single fare of five
 "cents for the transportation of each passenger over
 "the whole or any portion of said route.
 "Resolved, That this consent is given upon the
 "condition that this company shall comply with the
 "provisions of Chapter 252 of the Laws of 1884 ap-
 "plicable thereto.

3317

"M. F. McLoughlin,
 "C. B. Waite,
 "Robert E. DeLacy,
 "Charles Dempsey,
 "William H. Miller,
 "Committee on Railroad."

WILLIAM P. McCONNELL, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

By Mr. Evarts :

Q. Did you measure one of Thurber's trucks yesterday ? A. Yes, sir ; I did. Q. What did you find the measurement to be ? A. I had the team swung to the right and the truck occupied a space of 13 feet 6 inches long, and over the extreme edge of the hind

wheels—the hubs—it is 8 feet ; that is from the outside of one hub to the outside of the other it is 8 feet. 3318

By Mr. Scribner :

Q. That is the width ? A. Yes, sir ; it would take more than 8 feet for that truck to pass through ; it would take at least 10 feet.

By Mr. Evarts :

Q. The truck measured 8 feet ? A. Yes, sir. Q. Where was it when you measured it ? A. It was backed up against the walk. Q. Was it in use there ? A. It was loaded, just ready to go out ; I was going by there. Q. It was one of their ordinary trucks ? A. One of their ordinary trucks, loaded with merchandise. 3319

Cross-examination by Mr. Scribner :

Q. You found it backed up to the sidewalk ? A. Yes, sir. Q. You found Thurber & Co. occupying the entire width of the sidewalk to the exclusion of pedestrians ? A. No, sir ; I did not find any difficulty getting by. Q. How did you get by ? A. I walked right past. Q. Under the truck ? A. No, sir. Q. Over the truck ? A. No, sir.

Q. Did you go outside in the street ? A. No, sir. Q. How wide was the sidewalk ? A. I don't know. Q. Was it more than 13 feet on the sidewalk ? A. I did not measure it. Q. If it was $13\frac{1}{2}$ feet long, it was occupying $13\frac{1}{2}$ feet of the sidewalk, was it not ? A. It was not on the sidewalk when I measured it. Q. Did you see a whole lot of trucks there that were occupying the store front ? A. I saw but one, and that was backed up to the gutter the same as this one I measured ; the skids were up. Q. How much of the tail of the truck overhung the sidewalk ? A. Nothing of the tail of the truck that I measured overhung the sidewalk. Q. It was not over the sidewalk ; there was a projection of the tail of the truck that formed a part of the 13 feet and a half ? A. No, sir. Q. Was this a truck without a tail ? A. No, sir ; it had a large tail. Q. Where was the tail ; was it folded up ? A. No, sir ; but I did not measure from the tail of the truck ; I measured as it struck the gutter stone. Q. You have seen smaller trucks ? A. One-horse trucks ; that was an ordin-

3321 any truck. Q. You have seen two-horse trucks that were smaller than that? A. I have seen two-horse trucks and one-horse trucks. Q. You can conceive of the idea of a grocery business being carried on without having 13 feet trucks, can you not? A. No, sir, I cannot. Q. You can conceive of the idea of a grocery business being carried on without having their trucks backed up in the manner described? A. I do not see how they could handle their goods. Q. Are you a grocery man? A. No, sir.

NEW YORK, February 20, 1885.

F. SOUTHACK, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

By Mr. Beaman:

Q. Where do you live? A. I live at present in Morristown. Q. What business are you engaged in? A. The real estate business. Q. Of what firm? A. Daniel Birdsall & Co. Q. Are you a member of that firm? A. Yes, sir. Q. When you say real estate business, do you mean as real estate brokers? A. Yes, sir. Q. Where is the office of that firm? A. 319 Broadway, corner of Thomas Street. Q. How long have you been in that business? A. About ten years. Q. Do you make any specialty of any particular kind of real estate property that you are dealing in? A. Yes, sir; business property only. Q. In what parts of the city mostly? A. On Broadway and adjacent streets, between Fourteenth Street nearly to the Battery; at Canal; between Houston Street and Barclay, you might say. Q. On Broadway and adjacent streets? A. Yes, sir. Q. Are you yourself interested, through ownership or otherwise, in any property on Broadway? A. Yes, sir.

Q. In what way? A. My father's estate owns three stores on Broadway. Q. Whereabouts? A. 194, 196, and 394 Broadway? Q. You are familiar with the general use made of Broadway by the public between Fourteenth Street and the Battery? A. Yes, sir. Q. Are you in the habit of seeing Broadway as it is used? A. Yes, sir. Q. What, in your opinion, would be the effect upon the value of property on Broadway, or adjacent thereto, if there were a double-track horse railroad put on Broadway from

Fourteenth Street to the Battery, and cars were running up and down in the usual way, say at an interval of one minute or less, and assuming that those cars are running and the stages now on Broadway were taken off? A. It would hurt it decidedly. Q. Why so? A. It would hurt the shipping facilities. Q. On Broadway? A. Yes, sir. Q. Are the shipping facilities of value to the property on Broadway? A. Of great value. Q. Both to the rentals and to the final value of the property? A. Yes, sir. Q. You have found that to be so in your experience? A. Yes. Q. Do you think that anything that makes shipping facilities difficult has the effect of depreciating the value of a store? A. Yes, sir. Q. Its value for sale? A. Yes, sir. Q. And this would happen, if I understand you rightly, in your opinion, if this horse railroad was put on Broadway? A. Yes, sir. 3324 3325

Cross-examination by Mr. Scribner :

Q. How old are you? A. Thirty years old. Q. How long have you lived in New Jersey? A. About seven months, I guess. Q. Previous to that, where did you live? A. I lived in my father's house, 236 Fifth Avenue, until his death. Q. What was your father's name? A. John William. A. And this property you speak of is a part of his estate? A. Yes, sir. Q. What were the numbers? A. 194, 196, and 394. Q. 194 and 196 are located where? A. Near John Street. Q. And 394 is located where? A. Near Walker. Q. Has that property been divided among your father's heirs? A. No, sir. Q. Have you ever been in the shipping business? A. No, sir. Q. Can you name any street in the City of New York where the construction of a street railroad has depreciated any piece of property on that street? A. No, sir. Q. Can you name any business street in the City of New York in which the construction of a street railroad has not tended to advance the value of property and its rental value? A. The railroad itself tended to the value of it? Q. Yes; can you name any street in which the construction of a street railroad has not tended to advance or increase the market value of property? A. I do not think it has helped Church Street. Q. Do you happen to remember what was the condition or the character of the buildings on Church Street before the railroads existed there? A. No, sir. Q. Does 3326

3327 your memory go back to the little miserable, dilapidated dwellings inhabited by the disorderly characters on that street before the construction of the street railroad? A. No, sir.

Q. Does your memory go back to the fact that those miserable dilapidated structures to which I refer, which existed before the railroad was constructed, have given place to palatial stores which now are and for twenty years past have been occupied by the merchants of the city— A. No, sir.

Q. Large wholesale dry goods houses— A. They do not compare with the rental value of the side streets there. Q. Answer my question; does your memory carry you back to the fact that the elegant palatial stores now occupying Church Street have

3328 been built since the construction of the street railroad in that street, and that those elegant stores to which I refer have taken the place of the dilapidated structures that previously existed in that street? A. Yes, sir. Q. Assume the truth of the statement that I have made, that the buildings are now superior to those which existed before the construction of a railroad there, would you say that the street railroad there had tended, in any manner, to the injury of that street? A. Yes, sir; I would.

By Mr. Beaman :

Q. You have noticed that street railroads run through some other streets of the city—say, Greene Street—where the buildings are dilapidated and are

3329 filled with disorderly people? A. Yes, sir. Q. In your judgment, what has caused the lower part of the city to be built up with these fine stores on Church Street and the streets that cross Broadway?

A. Trade is rapidly pushing up, and on account of Broadway being a great thoroughfare; they are all adjacent to it, and as the city advances and new merchants come in, they have to have more room and they come up town. Q. You said that the rental value of stores on side streets was more than on Church Street; please illustrate what you mean?

A. There are a great many men that cannot go into Church Street at all on account of the railroads; they cannot ship from there; they locate on Leonard Street, Franklin Street, White Street, Worth Street, and in that way. Q. Does, in your judgment, the horse railroad on Church Street decrease or increase the value of property there? A. The property

would advance if the horse railroad was taken off of 3330 Church Street to-day. Q. It would? A. It would; yes, sir. Q. That is your opinion about it? A. Yes, sir. Q. In your judgment, would a horse railroad on Broadway draw back to it the retail trade again? A. No, sir. Q. Why not? A. Because the retail trade has moved up town. Q. To what extent does your firm do the business of brokerage in the buying and selling and leasing of real estate in this immediate section of Broadway, between here and Canal Street? A. They do most all of it; a large part of it any way.

By Mr. Scribner:

Q. Is it or is it not a fact that the structures built in Greene Street are now of much better character 3331 than they were twenty years ago? A. Yes, sir. Q. Have you ever been in the shipping business? A. No, sir. Q. Have you ever been a merchant? A. No, sir.

JOHN SLOAN, called as a witness on behalf of The Broadway Surface Railroad Company, being duly sworn, testified as follows:

By Mr. Scribner:

Q. You are a merchant doing business in the City of New York, are you? A. Yes, sir. Q. What is your firm? A. W. & J. Sloan. Q. What is the business of your firm? A. Importers and dealers in carpetings. Q. You have been engaged as mer- 3332 chants in selling carpets in the City of New York for how many years? A. Forty-two. Q. Until recently where was your place of business? A. 655 Broadway. Q. You have lived all your life in the City of New York? A. Yes, sir; all but a year. Q. Your former place of business was where? A. 655, 599, 501 and 245 Broadway. Q. And those numbers are between what streets? A. 655 is near Bleecker Street; 591 is near Houston Street—near Prince I should say; 501 is near Broome Street; 245 is opposite the Park.

Q. And your present place of business is where? A. Broadway and Nineteenth Street. Q. When did you move to that location? A. Two years ago last July. Q. Previous to that how long had your business been carried on in the store near Bleecker Street? A. About a dozen years, I think; ten or

3333 fifteen years. Q. Yours is the largest carpet store doing business in the city, is it not? A. I could not say that; we do a large business. Q. You think it is? A. We are doing a large business. Q. You are familiar with the Broadway property in the vicinity of your old store near Bleecker Street, are you not? A. Yes, sir. Q. And you have been for a great many years? A. Yes, sir. Q. Will you please tell the Commissioners what the condition of that property is at the present time, or property in that neighborhood in Broadway?

Mr. Beaman: If your Honors please, the question is, how is this rebuttal?

Commissioner Harris: We will hear it.

Mr. Beaman: I take an exception; and as questions come along I will object and except.

3334 *Commissioner Harris*: Certainly.

Q. (Repeated.) A. In the neighborhood of Bleecker Street? Q. Yes. A. I very rarely come down Broadway now, but I took particular notice in driving down this morning that a very large percentage of the buildings from Fourteenth Street down to below Bleecker—a large percentage—are “to let.” Q. Have you given attention within recent years to the subject of a street railroad on Broadway? A. I have given it attention for I may say thirty-five years.

Same objection, ruling and exception.

3335 Q. Will you please tell us, from the reflection you have given the subject, whether, in your opinion, there is a public demand for a street railroad on Broadway between the Battery and Fourteenth Street, or whether there is a public necessity for such a railroad.

Mr. Beaman: I make the same objection.

Commissioner Harris: We will take the testimony subject to Mr. Beaman's objection and subject to any right he has to move to strike it out afterwards.

Mr. Beaman: I move to strike it out or to reply to it.

Commissioner Harris: We will take it.

Q. (Repeated.) A. The public necessity I recognize; I am not so familiar with the demand, except what I find in the newspapers; but the necessity, I think, is apparent when any one knows nothing of Broadway, in going down from the vicinity of Thirty-third Street to Wall Street and the Custom House; there is only one way of getting down unless

you take a carriage, which is not the popular way; 3336
 you take a car, for instance, from the vicinity of
 Union Square at the Fourteenth elevated station
 or the Bleecker Street station to the Custom House;
 you can accomplish that in about twenty-five
 minutes; by taking the method of communication
 that we have now on Broadway; by slow omnibuses
 it cannot be done under forty-five minutes; I have
 tested it time and again; so to depend entirely up-
 on omnibuses in Broadway in getting up and down
 Broadway, belongs to the past generation and not
 to this. Q. You were formerly an opponent to a
 railroad on Broadway, were you not? A. For many
 years I opposed the railroad in Broadway. Q. You
 were associated with Mr. Stewart in his opposition to
 a railroad on Broadway? 3337

Mr. Beaman : I make the same objection.

Objection overruled and exception taken.

A. I have gone to Albany with Mr. Stewart and
 opposed the railroad.

Mr. Beaman : We may as well understand each
 other on this point; my objection continues, and the
 exception continues without my making it every
 time?

Commissioner Harris : Certainly.

Mr. Scribner : Yes, sir.

Q. Tell the Commission what has caused you to
 change your mind respecting the necessity for a rail-
 road on Broadway. A. In looking at Broadway 3338
 to-day I am looking at it as before we left it—the
 premises near Bleecker Street; the business was
 taken off from Broadway by the other methods of
 communication. Q. What has been the effect of the
 elevated roads as to diverting business from Broad-
 way, in your opinion? A. If one will go up and
 down Sixth Avenue you will find scarcely a store to
 rent; they are all occupied, and all doing apparently
 a thriving business; whereas, upon Broadway, the
 merchants who were there years ago, a great portion
 of them, have been obliged to leave it; you take the
 corner of Sixth Avenue and Fourteenth Street, or
 Sixth Avenue and Twenty-third Street, or Sixth Av-
 enue and Thirty-Fourth Street, where the horse cars
 and elevated railroads intersect, and there seems to
 be to-day the centre of a very large and prosperous
 business, and Broadway is left out in the cold.

- 3339 Q. Compare, for instance, the value of a piece of ground of the same size at Sixth Avenue and Fourteenth Street, which has the Sixth Avenue elevated road in front of it, the Sixth Avenue surface road, and which has two cross-town roads running through Fourteenth Street, how would the value of that piece of property compare with the value of a piece of property, equivalent with it in size, say on Eighteenth Street, or any street where there is no cross-town railroad in front of it? A. That would not be fair, because Fourteenth Street is a wide street and is a business street, and Eighteenth Street has not become a business street; but I would rather take a piece of property at the corner of Sixth Avenue and Fourteenth Street than on Broadway at Bleecker Street for business purposes.
- 3340

- Q. The prominent houses which were on Broadway south of Fourteenth Street twenty years ago have since moved to Broadway north of Fourteenth Street, have they not? A. In twenty years—well, Pottier & Stymus have gone up; Herter Bros. have gone up; Arnold, Constable & Co. have moved from Canal Street near Broadway to the corner of Broadway and Nineteenth Street; Brooks Bros. have moved from the corner of Broadway and Bond Street to the corner of Broadway and Twenty-second Street. Q. And Tiffany? A. Tiffany is in Union Square; Solomon is at the corner of Sixteenth Street; Sypher & Co. have moved from near Bleecker Street to the north side of Union Square; Aiken & Co. moved to the corner of Broadway and Eighteenth Street; Lord & Taylor moved from the corner of Grand Street to the corner of Twentieth Street; besides a number of others. Q. Has the want of Broadway railroad facilities on Broadway, in your opinion, anything to do with the removal of those houses from their positions then to the positions which they occupy now, in front of which street railroads are running? A. I think the difficulty of a railroad in Broadway has hastened the removals; years ago the great cry was, Broadway should be relieved; unfortunately for the merchants on the street it was relieved, in a great degree, of its business, or would soon become so. Q. Was the relief that you speak of—the relieving of Broadway of its business—attributable, in your opinion, to the want of Broadway railroad facilities
- 3341

on Broadway? A. I think so. Q. In your opinion 3342
 would the construction and operation of a street rail-
 road on Broadway tend, in any manner, to restore
 trade to that street, and to fill with tenants the un-
 occupied stores on which you now see bills "to let"?
 A. I don't think it would take back the business
 that once was there. Q. That is, the same character
 of business? A. The same character of business;
 oh, I feel convinced that a railroad in Broadway
 would rent the many stores that are now vacant and
 would increase the value of property materially in a
 short space of time. Q. Would the construction and
 operation of a railroad on Broadway, in your opinion,
 promote the public convenience? A. There is no
 question about that.

Mr. Beaman: I move to strike out the whole of 3343
 Mr. Sloan's testimony as incompetent, as not in re-
 buttal and as cumulative.

Commissioner Harris: We will hear argument on
 that hereafter; I have not the testimony here and I
 cannot tell as to this point; you can cross-examine
 and your rights are reserved.

Exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman:

Q. Where do you live? A. Fifth Avenue near
 Seventieth Street. Q. How many times have you
 moved your residence within twenty years? A. I
 have only moved it once. Q. Where did you move 3344
 from? A. Forty-fifth Street. Q. Have you never
 lived anywhere lower down than Forty-fifth Street
 in the city? A. When I lived with my father I lived
 in Madison Avenue and Thirty-second Street. Q.
 But never below that? A. And in Eighteenth
 Street. Q. You have never lived below Eighteenth
 Street? A. Many years ago I lived in Anthony
 Street. Q. When you were living in Anthony Street
 was your father in the same business? A. Yes, sir.

Q. Where was he doing business? A. Nearly
 opposite the Park. Q. The City Hall Park? A.
 Yes, sir. Q. When did he move from there? A.
 He moved from there to Eighteenth Street. Q.
 When did he move his business from the Park? A.
 In 1855, I think. Q. You were with him then in the
 firm? A. Yes, sir. Q. Where did you move? A.
 From opposite the Park to 501 Broadway Q. That

3345 is near what street? A. That is near Broome Street. Q. When you moved to 501 Broadway where was your father living? A. Eighteenth Street. Q. He had moved his house, then, before he moved his store? A. I won't be sure; he moved his house first; yes, sir. Q. Why did he move his store? A. Because the one that we were in before was too small. Q. Why did you go up-town instead of down-town? A. Because that was the natural direction of the business. Q. What do you mean by "natural direction of the business?" A. His business was moving in that direction. Q. In what year; 1855? A. 1855. Q. Is it moving so now? A. I think it will move so; yes, sir. Q. Has it not always moved that way? A. Yes, sir; it has been moving. Q. And the tendency is still to move in business? A. It has up to now; I don't know how it will be hereafter. Q. So far as you know it has done so ever since you have been in business? A. Yes, sir. Q. He moved from 501 Broadway to where? A. 591. Q. And then he moved to where? A. 655. Q. And then where? A. Nineteenth Street. Q. You have moved your house from Eighteenth Street to Thirty-second Street and to Forty-fifth Street? A. Yes, sir. Q. And to Eighty-fifth Street? A. Seventieth Street it is. Q. You have kept up the tendency of trade in moving your house? A. Yes, sir. Q. And the sons have kept up their father's tendency of moving the business? 3346 A. Yes, sir. Q. In that tendency of moving houses and moving business have you not kept up substantially the tendency of the city and tried to keep up with it? A. We have tried to keep abreast of the times. Q. That is what you have been after all the time? A. Yes, sir. Q. That is why you moved to Nineteenth Street and Broadway? A. Yes, sir. Q. To be abreast of the times? A. Yes, sir. Q. Why are you more abreast of the times there than where you were before? A. Because that is the rule—the constant concentration of the trade is. Q. You want to be there with it? A. Yes, sir. Q. You have a first rate corner? A. I think we have. Q. And a fine store? A. Yes, sir. Q. Do you own that store? A. Yes, sir. Q. Did you own any of the other properties where you were on Broadway? 3347 A. Some of them. Q. Have you sold them? A.

Sold them. Q. Before you moved, or about the time? A. About the time. Q. So you have no property there? A. We have property below Fourteenth Street right back of our old store. Q. On Mercer Street? A. On Mercer Street; we have one also on Greenwich Street and West. Q. Does this tendency that you have followed exist with all merchants as you have seen them—wholesale and retail? A. I could tell you one down-town. Q. Who? A. Morse & Herman. Q. What is their business? A. Very large dry goods; they were in Prince before. Q. So far as retail business is concerned what is it? A. That has gone up. Q. Is your business largely retail or wholesale? A. Both. Q. You receive and deliver a great many goods on Broadway? A. We receive none on Broadway. Q. Where do you receive them? A. On Eighteenth Street; and we deliver on Nineteenth Street. Q. You have both streets? A. Yes, sir. Q. There are no horse-railroads there? A. Yes, sir, on Eighteenth Street. Q. Is there a single track there? A. Single track. Q. Do you know how far the track is from the curb? A. It is sufficiently removed from the curbstone, so that you could back up a truck and turn the horse towards Broadway. Q. And the cars pass so that they do not interfere with your loading or unloading at all? A. They do not. Q. And you do not interfere with their going by? A. We do not. Q. You do not load or unload at all on Broadway? A. Not at all. Q. Do you know whether you could load on Broadway? A. We should not care to; it is not arranged for that. Q. Your retail business is on Broadway? A. The entrance is on Broadway and also on Nineteenth Street. Q. There are no facilities there for loading or unloading, so far as your building is concerned? A. No, sir; we should not care to do so; we never have done it. Q. What has built up the value of Fourteenth Street and Sixth Avenue? A. I think the horse-railroads have contributed very largely towards it. Q. How about elevated railroads? A. They are considered a very great advantage to Union Square. Q. I am not talking about Union Square? A. Fourteenth Street, then. Q. How about Sixteenth Street and Sixth Avenue? A. I do not think it is any assistance to Sixteenth Street. Q. How is it at

- 3351 Fourteenth Street? A. In the elevated railroad it has an advantage. Q. You think the elevated railroads, near their stations, have improved property for business purposes, do you not? A. Very materially. Q. In your judgment has the elevated railroad hurt Broadway? A. I don't think the elevated railroad has helped Broadway at all. Q. Has it hurt it? A. It has not hurt it? Q. Has it taken travel away from Broadway? A. I think merchants are taken— it has taken them towards Sixth Avenue; people who have gone towards Sixth Avenue have done well; Broadway has not advanced at all. Q. Do you think the elevated railroad has hurt Broadway or not? A. I mean, you take merchants on Broadway between certain places; it does
- 3352 not hurt it in one sense, but does hurt it in another. Q. Explain what you mean by that? A. I do not think the elevated road, with reference to Broadway in the vicinity of Bleecker Street, is an advantage one way or the other in that vicinity, because the Bleecker Street station is at a place in South Fifth Avenue; and between that and Broadway there are so many disreputable houses it has become a disreputable thoroughfare, so that ladies would never be apt to frequent these places unless attended by a gentleman, and a retail store in the vicinity of Broadway and Bleecker Street would not be helped by the elevated railroad there; it is the same as to the other side, on the Bowery side. Q. Then, as I
- 3353 understand it, in your opinion, an elevated road has not hurt or helped Broadway below Bleecker Street? A. In the vicinity of Bleecker Street; you come down to Franklin Street, the dry goods district, and of course it is a thoroughfare between the upper and the lower part of the city; it is a great convenience. Q. You think it has helped it at Franklin Street? A. Yes, sir. Q. How is it when you get down below Franklin Street? A. At Park Place it is very convenient; it is an advantage. Q. Do you come downtown often? A. I do; two or three times a week. Q. How do you come downtown? A. I take the Broadway car to Bleecker Street; I get on the road at Bleecker Street and I go to the Rector Street station, and then from Rector Street to the Custom House. Q. And that is your regular

course? A. Yes, sir; I haven't come down Broad- 3354
way by the omnibuses a half-dozen times a year;
they are slow, and a waste of time and inconvenient.
Q. Have you timed yourself with omnibuses and
cars? A. Yes, sir. Q. How did you come down
to-day? A. In a coupe, because I had a very few
minutes. Q. Is a coupe any faster than the cars?
A. You can make it go so; the cars go on time usu-
ally. Q. Did you take it because you wanted to go
down as quickly as you could? A. I wanted to go
down in good time. Q. How did you drive down?
A. On Broadway. Q. How long since you have
driven down Broadway before? A. About four or
five months. Q. You have not been down in an 3355
omnibus for years? A. I have not been down in an
omnibus for a year, I think. Q. You never come
down from your place in the elevated railroad, do
you? A. I do; I come down sometimes on the
Third Avenue elevated road. Q. Is not that quicker
than the horse-car? A. I do not think if we had a
good horse-car railroad on Broadway that there
would be five minutes difference. Q. I understand;
but it is quicker than the way you come down, is it
not? A. No, sir; I can do it by taking the horse-
cars to Bleecker, and the Bleecker elevated to Rec-
tor Street. Q. I may not have understood you; you
go to Bleecker Street and take the elevated railroad
there down? A. Yes, sir. Q. So that you, as a 3356
matter of fact, in coming down always use one or
the other of the elevated roads? A. Yes, sir. Q.
And you do not come down either by horse-car all the
way——? A. I come down by horse-car to Bleecker
Street. Q. And then you take the elevated? A.
Yes, sir. Q. If you were going the other way you
would take the horse-cars in Eighteenth Street? A.
No, sir; that goes the other way; we would have to
go down Seventeenth Street. Q. You come down
by the elevated road, getting to the station as
quickly as you can that is nearest to you? A. Yes,
sir. Q. In regard to this property on Broadway, 3357
that you saw the "to lets" upon to-day, you have
no knowledge in regard to it except seeing the "to
lets" up? A. I have no knowledge; general
hearsay; that is all. Q. Do you not know that a
large part of that property has been occupied by
merchants in the wholesale clothing business, who

3358 have been very unfortunate the last year? A. No, sir. Q. You do not know that fact? A. Those that I refer to were not clothing stores. Q. Do you not know that there has been built on Broadway, above Canal Street, a very large number of stores, and the property there to rent for stores and warehouses of the various kinds has been very much increased in the last ten years? A. The number of stores?

Q. Yes, the number of stores and the size and height of them? A. Yes, sir, there have been. Q. That has been going on for some time, so that now there are to rent there for general wholesale purposes probably twice as many stores as there were when you were there. Q. I am not referring to the wholesale stores, because the largest percentage of those
3359 that are to rent are above Bleecker Street, which are retail. Q. Then the most of those stores which are to rent are retail places? A. Yes, sir. Q. Do you not believe that the retail business has substantially left Broadway, except merely a local business? A. No, sir; I do not believe that. Q. I mean below Fourteenth Street? A. No, sir; I do not believe that. Q. You think the trade will come back again? A. Some form of it I think will come back again. Q. In what form? A. I cannot say what form, but I believe it can be in a measure restored. Q. How far down can you restore it? A. Some departments of business—
A. How far down do you think this horse railroad is going to help Broadway? A. I think it will help it
3360 through to the Battery. Q. All the way down? A. Yes, sir. Q. You think it will help Bates, Reed & Cooley's store? A. Yes, sir, it will help them, if they would only know it. Q. The trouble is they do not know it? A. I don't think they do; I mean to say by that they are under the same misapprehension that we were many years ago. Q. Your father was under the same misapprehension? A. Yes, sir; he stated so before he died. Q. That is, he stated before he died that he had made a mistake; he made a mistake in opposing the road? A. Yes, sir. Q. When did he die? A. 1879. Q. Were you still down on Broadway then? A. Yes, sir. Q. When you say it will help property on Broadway, do you mean it will help the saleable valuation of property? A. I do. Q. And the rental value? A. Yes, sir, I do. Q. Do you mean that if anybody has a lease there his

lease will be better? A. I think so. Q. And that his 3361
 interest in the property would be improved? A.
 I do; I think so. Q. Why would it help any-
 body who is going to do a retail business on Broad-
 way to have a horse railroad there? A. It would
 bring the people to their stores in a shorter space of
 time and more pleasantly and more conveniently.
 Q. Those people can buy that same class of goods
 somewhere else, can they not? A. Perhaps they
 can. Q. Then it will hurt somebody else in New York
 if a street railroad is to be on Broadway? A.
 It will possibly hurt somebody, but it will benefit
 others; I think the whole city will be benefited. Q.
 But so far as anybody on Broadway, for instance, is
 concerned—take Mr. Daniels, who has dry goods to 3362
 sell, and somebody else on Sixth Avenue has also got
 the same goods—there is no way that the total busi-
 ness of the city is going to be increased, is there? A.
 What helps Broadway will help the whole city, I
 think. Q. What helps Sixth Avenue helps the whole
 city, does it not? A. Certainly it does. Q. If the peo-
 ple who now go to Sixth Avenue and buy there
 should go to Broadway, would it help the city for
 them to go to Broadway? A. I think so much more
 business would be done. Q. How would more busi-
 ness be done? A. It would attract people from other
 places.

Q. What places? A. All around the country.
 Q. Broadway would be more attractive you think? 3363
 A. I think so; yes, sir. Q. Do you know of any
 way in which the Broadway people can be benefited
 by selling more goods except at the expense of
 somebody else in New York? A. I think the ten-
 dency of business is to increase in volume every
 year. Q. Then Broadway will increase whatever
 happens, won't it? A. It will if it is not left out; it
 will come in for its share if it has a road, but I do
 not think it will otherwise. Q. Has not property on
 Broadway been improving ever since you have lived
 in New York? A. No, sir. Q. Why not? A. It
 is gone far back in the last ten years between cer-
 tain places. Q. Between what places has it gone
 back? A. Between Bleecker Street and Fourteenth
 Street; receded in value. Q. Anywhere else? A.
 I am not so familiar with the value of property in
 other portions of Broadway. Q. Has not Broadway

3364 property largely increased below Broome Street, within the last fifty years, the whole length up and down? A. In fifty years it has all increased. Q. Has it not generally increased in time up and down Broadway? A. It has increased to a certain point; it is now on the decline, or has been for a certain time. Q. It has increased up to what street? A. It increased up to Fourteenth Street at one time but it has gone back. Q. Gone back where; what part of Broadway has gone back? A. Between Broome and Fourteenth Street. Q. Has it gone back anywhere else? A. I don't think it has; I am not sure though; in this vicinity I am not sure about it. Q. Was property in Broadway at Broome Street ever so high as it is now? A. I am not competent to answer that.

By Mr. Scribner :

Q. Would you have sold the property that you did sell on Broadway near Bleecker Street for the price you got for it if there had been a horse-railroad in front of it? A. I am not prepared--- Q. Do you think your store at 655 Broadway, which you say you have sold, would have been worth more than you got for it, if there had been a railroad in front of it? A. I think so; yes, sir. Q. When you moved from that place, you moved to a store erected by your firm? A. Yes, sir. Q. And at a very large expense? A. Considerable. Q. Your store is a large and expensive store? A. Yes, sir. Q. You erected that store with the full knowledge that there was in front of it a double track railroad, which for twenty years past has been run and operated by the Seventh Avenue Railroad? A. Yes, sir. Q. That railroad was there before your store was built? A. Yes, sir. Q. Would you have moved from the store that you previously occupied near Bleecker Street on Broadway as soon as you did if there had been a railroad in front of it? A. My impression is there would have been less necessity to have moved at that time. Q. Many of your customers are ladies? A. Yes, sir. Q. Your customers are largely composed of ladies? A. A good proportion. Q. Ladies as a general rule dislike stages, do they not?

Mr. Beaman : He is not an expert on that.

A. If they dislike stages as much as I do. Q. You

dislike them? A. Yes, sir. Q. You assume that 3367
your lady customers dislike stages also? A. Yes,
sir. Q. Numbers of your lady customers reach your
store by means of horse-cars on the Broadway and
Seventh Avenue road? A. Yes, sir.

Q. Those cars bring those customers to your door,
do they not? A. Yes, sir. Q. In your opinion, as
a long resident and old resident of New York, has
any business street of this city been damaged by
the construction and operation of a street railroad?

Mr. Beaman: My objections continue, of course.

Commissioner Harris: Yes, sir.

A. I think that every street with a horse-railroad
has improved? Q. Every business street has im-
proved? A. Yes, sir.

Q. (*By Mr. Beaman*): A good many people are 3368
brought to your store by omnibuses, are there not?
A. I notice very few comparatively. Q. You are
taking notice of how they come, are you? A. Yes,
sir. Q. A great many of them come in private car-
riages? A. Yes, sir; some come on foot.

By Mr Wickes:

Q. Do you think people desire to ride in horse-
cars in preference to stages? A. Yes, sir. Q. Do
you think a horse-car on Broadway, if one should
be built, would carry more passengers than the
stages? A. I think they would carry more passen-
gers.

3369

By Mr. Beaman:

Q. How many more? A. I cannot answer that.
Q. Suppose, for instance, 10,000 ride in omnibuses
to-day, how many do you think would ride in horse-
cars between Fourteenth Street and the Battery?
A. Ninety per cent. Q. Ninety per cent. more? A.
Ninety per cent. of the number who ride would ride
in horse-cars.

By Mr. Scribner:

Q. In preference to the stage? A. In preference
to the stage.

By Mr. Beaman:

Q. Suppose that on Broadway to-day there are
10,000 people on an average who ride between the

3370 Battery and Fourteenth Street each way, and suppose the stages are drawn off and a line of horse-cars was running up and down; how many more people do you think would ride in horse-cars than now ride in the stages? A. If they rode at all, they would all ride in the horse-cars better than going over these rough pavements. Q. Do you think there would be any more people riding, or about the same number? A. That is hard to say.

Mr. Scribner : What Mr. Beaman probably wants to get at—

Mr. Beaman : Hold on, he understands.

Q. Do you understand what I want? A. I hardly do. Q. Let me explain it; what I want to know is, 3371 with a horse track up and down Broadway and the stages taken off, whether in your opinion there would be more people riding in horse-cars than now ride up and down in omnibuses? A. Twice as many. Q. You think there would be twice as many people riding in Broadway as ride now in omnibuses? A. I think so.

By Mr. Scribner :

Q. Then the horse-cars would be just twice the public accommodation that stages are now? A. It is to be hoped they will have more than twice the accommodation of the stages.

3372 *By Mr. Beaman :*

Q. They carry twice as many people? A. I think so.

By Mr. Scribner :

Q. There are a great many people who go a-foot in consequence of their dread of a stage who, in case a horse car line was constructed, would ride in the cars? A. Yes, sir. Q. Therefore they would be accommodated to that extent? A. Yes, sir.

By Mr. Beaman :

Q. Are you an owner of any horse-railroad? A. No, sir. Q. Or omnibus line? A. Nor an omnibus line either, no sir. Q. You have not agreed to sell out to Sharp any omnibuses? A. No, sir.

GEORGE H. AIKEN, called as a witness on behalf 3373
of the Broadway Surface Railroad, being duly
sworn, testified as follows:

By Mr. Scribner:

Q. You are a member of the police force of New
York? A. Yes, sir. Q. And a member of the
Broadway squad? A. Yes, sir. Q. Where is your
station? A. Where am I stationed now? Q. Yes.
A. Corner of Fulton Street and Broadway. Q. On
which side of Broadway? A. On the upper side, in
front of Knox's. Q. Knox's corner? A. Yes, sir.
Q. That is about the most crowded corner on Broad-
way, or along Broadway, is it not? A. Yes, sir;
the worst. Q. How long have you been located
there? A. Going on ten years. Q. You are famil- 3374
iar with the ordinary collection of vehicles at that
spot? A. I am. Q. And with the ordinary condi-
tion of Broadway in that locality? A. Yes, sir. Q.
From your familiarity with the travel on Broadway
are you able to say whether a railroad could be con-
structed between the Battery and Fourteenth Street
—whether there would be any difficulty in the oper-
ation of a street railroad constructed between the
Battery and Fourteenth Street on Broadway?

Mr. Beaman: I object to the evidence as incom-
petent, as not in rebuttal and as cumulative, and I
ask that the same objection may be considered as
made to all the testimony of this witness.

Objection overruled; exception taken by Mr.
Beaman.

A. Not any worse than it is now. Q. In your 3375
opinion, would the construction of street railroad
tracks in the centre of Broadway, from the Battery
to Fourteenth Street, tend, in any manner, to em-
barrass or overcrowd Broadway? A. No more than
the Steam Heating Company has. Q. Would it in
any manner tend to obstruct Broadway, or to create
other or different obstructions in Broadway from
those which now exist? A. I don't see how it
could. A. Suppose a railroad was constructed with
double tracks in the centre of the street from the
Battery to Fourteenth Street on which only fifty
cars were running, and the two hundred and ten
stages now running between those points removed,
do you think that Broadway would be relieved by
the construction of a railroad and the removal of the
stages? A. I should think so. Q. You have re-

3376 ferred to the Steam Heating Company, or the excavation that was made in Broadway ; why did you refer to that? A. I was detailed on it pretty nearly four months ; there was only one wagon that could pass up and down on Broadway ; we have now all of Broadway, and it is blocked just as much now as it was then, and more too. Q. The steam heating pipe was laid in the centre of Broadway? A. Right in the centre ; yes, sir. Q. It was so located that during this construction, while the trench was open, vehicles could only pass up and down Broadway in single file? A. One going up and one going down. Q. Was there any difficulty in accommodating the travel on Broadway notwithstanding that obstruction? A. It is as bad now, when there ain't any opening at all.

3377 *Mr. Beaman* : I move to strike out the testimony on the ground that it is incompetent, not in rebuttal and as cumulative.

Motion denied ; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman :

Q. Do you think that a horse railroad on Broadway would be no worse than the steam pipe? A. No, sir ; not as bad.

3378 Q. The steam pipes did not do any harm? A. No harm, because they had to keep on the right side then. Q. Horse-cars would not be any worse than steam pipes you think? A. No, sir ; it would not take up any more room. Q. How wide was that? A. 12 or 14-foot hole ; but dirt was thrown on both sides of it ; that left room for one wagon to go up and down ; they had to keep on the right side, and they could not go wrong. Q. You did not have any trouble, and I do not suppose anybody did? A. I had my share of it, I think. Q. You do not think that omnibuses or stages had any trouble at that time? A. They all went along. Q. Horse-car tracks would not be any more trouble, would they? A. I don't see why it should. Q. This was a great big hole, and the earth was piled up on both sides? A. In Fulton Street, and all the way down to William Street. Q. It did not do any harm there? A. No, sir. Q. There was no delay or obstruction? A. Unless some contrary stage got on the wrong side. Q. Do you think that Broadway is too wide? A. If it was a hundred feet wide it

would be the same. Q. What do you mean by 3379
 that? A. Because they all come on to it. Q. Do
 you mean to say that if Broadway was twice as
 wide it would be just as bad as it is now? A. It
 would be blocked up if there was room enough for
 two or four, one man would block up the street.
 Q. Would Broadway be crowded, in your judgment,
 if it was twice as wide? A. If one man got on the
 wrong side of the street it would. Q. But suppose
 he did not? A. It would not be crowded; there is
 room enough for them to go through if they keep
 on the right side. Q. Is there room enough there
 now? A. Yes, sir. Q. Does any blocking occur
 there now? A. Yes, sir. Q. When? A. Just as
 soon as one man gets on the wrong side of the
 street; that makes a block. Q. How long is it since 3380
 you have seen a block? A. I have seen them every
 day. Q. How long do they last there? A. I some-
 times see two or three horses down, and they make
 a block. Q. How does that happen? A. I cannot
 tell that. Q. A good many of them slip down? A.
 Yes, sir, at this time of the year. Q. Does that
 make a block? A. It will. Q. How? A. Because
 if a horse falls down it will make a block; you can't
 drive over a horse. Q. If there is room enough why
 can't they go around? A. If there is room enough
 they can. Q. How long since you have seen a
 blockade on Broadway; within three weeks? A. I
 have seen some in the last three weeks. Q. Has
 Broadway been crowded since the holidays? A.
 No, sir, not as much as it used to be; I have seen 3381
 Broadway blockaded in the afternoon, and going
 away at six o'clock it would be blocked yet; they
 ain't shipping goods as they used to. Q. Why is
 that? A. I ain't in business; I don't know. Q.
 How long do these blocks last? A. Half a day
 sometimes. Q. Do you think if Broadway had a
 street railroad it would be full again? A. It would
 be full, but there are more shipments up town and
 along the rivers now. Q. Have you been stationed
 on a street where there is a horse-car track? A.
 Not more than one or two days at once. Q. In
 regard to that corner where you are; how many
 officers are stationed there? A. Three.

Q. All the time? A. Generally; not all the time.
 Q. Except when you go to lunch? A. Then there
 is only one. Q. Is there a good deal of crossing
 down there at Fulton Street? A. Yes, sir; a good
 deal. Q. Where is that going, right across Broad-

- 3382 way? A. Down Broadway, and across Broadway.
 Q. Does that make a great many blocks? A. No, sir; no block to hurt people. Q. Are stages worse on Broadway than wagons, in your judgment? A. Some of them are pretty—well, they have got use to it now; we use to have pretty good drivers; the ones they are getting lately are not of much consequence. Q. The drivers are running down, but you are educating them up to it? A. I know some of them—one or two here now; I have known them for a good many years. Q. These fellows here now are good drivers, are they not? A. There are two good drivers. Q. And all the officers are good officers, I suppose? A. That is for them to find out; I am only speaking for myself. Q. In regard to business
 3383 on Fulton Street; is there much business going up and down there on the omnibuses; are they used much? A. Not as much as they used to be. Q. That is, the people are not riding in omnibuses? A. Not as much as they used to; no, sir. Q. Why has that happened? A. I could not tell that. Q. Do you know how wide Broadway is at Fulton Street? A. I could not tell you exactly. Q. Do you know how wide these tracks are going to be there? A. I do not. Q. Do you know how much room there will be between the cars and the curb, when it is put there? A. I do not. Q. You have not thought of that at all, have you? A. No, sir.

By Mr. Scribner :

- 3384 Q. Are these omnibuses frequently passing on the wrong side of the street? A. Yes, sir. Q. That is, an omnibus going uptown, on the right hand side of the street, sees a lady signaling on the left hand side of the street; does the omnibus go over there? A. Some will and some won't; that is what I said; some of them make the passengers come out in the street. Q. It is that movement of the omnibuses all over the street that leads to much of this obstruction, is it not? A. Yes, sir. Q. How long is it since you have seen any block of long duration on Broadway? A. I have seen blocks every day. Q. Of long duration? A. I have seen some there for three or four hours. Q. How long since you have seen any of that kind? A. I have not seen any since the Steam Heating Company was there. Q. None that amounts to anything? A. Only when

a horse falls down. Q. It is only a temporary block 3385 now? A. That is all.

By Mr. Beaman :

Q. Then there was a block there when the steam pipes were being put down? A. There was blocks there of course ; one man would pull on this side and cut off the line at Fulton Street. Q. You kept a line there did you? A. If one got on the wrong side it would, of course, make a block until we could get him out again. Q. These short blocks you have seen there last how long? A. Only two or three minutes ; a horse gets down, or something of that kind. Q. You spoke of omnibuses going across the street to pick up a lady ; they do that to accommodate the lady, do they not? A. I cannot 3386 tell what they do it for. Q. It is against your rules to have them do that? A. It is against their own rules. Q. If they do it it is a violation of their rule, and you do not intend to let them do it, if you know it? A. Not very often. Q. Do you have a good deal to do in helping passengers across the street? A. Yes, sir. Q. That is part of your work—helping them, gentlemen and ladies? A. Yes, sir. Q. Did you see that old gentleman run over? A. I saw him afterwards. Q. Was Broadway much crowded then? A. Not very much. Q. Were you there at this part of Fulton Street, when the bridge was there? A. No, sir.

By Mr. Scribner :

3387

Q. What kind of a wagon was it that ran over that man ; it was not a stage, was it? A. No, sir.

F. P. SHUMWAY, called as a witness on behalf of the Broadway Surface Railroad, being duly sworn, testifies as follows :

By Mr. Scribner :

Q. Where do you live? A. New York, Forty-fourth Street, 211. Q. How long have you resided in New York? A. About five years. Q. Previous to that where was your residence? A. Boston. Q. How long were you a resident of Boston? A. Twenty-five years ; Boston and vicinity. Q. You are now not only a resident of New York, but are engaged in business in New York? A. Yes, sir. Q. Where is your place of business? A. 384 and 386 Broadway. Q. You are familiar with the streets of Boston, are

3388 you not? A. Yes, sir. Q. Did you hear the testimony of the gentleman the other day who was here, who testified concerning the effect of the street railroads on the streets in the City of Boston? A. Yes, sir. Q. You say you were familiar with the streets of Boston for twenty-five years? A. Yes, sir. Q. You are familiar with the operation and location of the horse-car routes in Boston? A. Yes, sir; rode in them. Q. Did you have anything to do with the establishment of street railroads in any of the streets of Boston? A. Yes, sir. Q. And the removal of the stages? A. Yes, sir. Q. Do you know of the fact that there was a public discussion of the relative advantages of stages and street-cars in Boston? A. Yes, sir. Q. And that, as a result of that discussion and the public excitement on that subject, the street
3389 railroad cars superseded the stages in many streets? A. Yes, sir. Q. As a rule, the streets of the City of Boston are much narrower than the streets of the City of New York, are they not? A. Yes, sir. Q. Do you know of any business street in the City of Boston where the value of real estate has been damaged or impaired by the construction and operation of a street railroad? A. No, sir. Q. Do you know, as a fact, that the value of real estate in the business streets of the City of Boston has been largely increased by the construction and operation of street railroads? A. I would say yes to that. Q. Name the streets, please? A. I will say yes to that, but with this proviso: if you govern the price of real
3390 estate by the prices of rents; I have never owned real estate in Boston, but I have been conversant with the leases of stores there, and I know the changes in the prices of rents, and upon that I base my opinion of the value of property. Q. Has the construction and operation of railroads in business streets tended to impair or increase the rental value of property? A. Increased always.

Cross-examination by Mr. Beaman:

Q. When did you leave Boston? A. I left Boston for a short residence in the country; about 1872. Q. How long since you have done business in Boston? A. Not directly there since about that time; at the time that I did business in Boston largely I lived at Auburndale. Q. What business were you in at Boston? A. Dry goods and fancy goods. Q.

Retail? A. Wholesale and retail. Q. Principally 3391
wholesale or retail? A. Principally retail.

Q. What street did you do business on? A.
Washington Street. Q. Whereabouts on Washing-
ton Street? A. 243 was the old number. Q. Near
what property? A. The old Margra Hotel
estate; it has been rebuilt within a few years
by H. H. Honeyman. Q. Was there a single
track there or a double track? A. Single track.
Q. No other track but a single track? A.
Single track, I think. Q. Do you not know now that
there are proceedings being taken before the Com-
mon Council of Boston to drive away all trucks and
heavy vehicles from that street because they cannot
both get along there? A. I have not heard of it.
Q. How long since you have been in Boston? A.
Two or three weeks ago. Q. Have you not seen 3392
Washington Street, right there where you had your
store, all a solid block of cars? A. Certainly, as I
see it in Broadway here. Q. All a solid block of
cars? A. Yes, sir. Q. You could not get by? A.
Yes, sir. Q. But nothing would move? A. I should
think that was stating it very strong; I should say
the street is not blocked as much as it used to be;
I go back to between 1850 and 1855; we had a fight
to get the horse-cars in the place of omnibuses;
that was the reason I came in here, because I saw
this discussion; we said there, "We will do any-
thing we can to get rid of the stages;" and we
fought it and we did. Q. There were a good many
stages there? A. Not so many as we have in
Broadway; we have to do the business. Q. What
idea have you of the number of stages on Broad-3393
way at this time? A. I could not tell you any-
thing about it. Q. Do you think there are more than
150? A. I could not tell you anything about that.
Q. Are there more stages here than there were in
Boston? A. Certainly. Q. Do you not know that
Washington Street is very often a solid block of
horse-cars? A. No, sir, I don't know that as being
different from what it always has been; I would
like to have it known I was not interested in this
thing a picayune, and I should not have come in
here if I thought you would put me on the stand;
I asked who there was interested in this, and a
gentleman pointed this gentleman out; if I had
thought I would be bothered about my business I
should not have come, but I was a little interested

- 3394 because of the fight we had in Washington Street a few years ago. Q. All you have there is a single track? A. Yes, sir; but a little above, between Temple Place and the old State—it may be to State Street it is but a single track; down there the street is perhaps a little wider than to the side of that building (pointing); that Honeyman estate, in building, took off a jog there of three or four feet. Q. On that part of Washington Street there is very little wholesale business, is there? A. There is a great deal more there now than before. Q. That part where you were is nearly all retail hat and cap stores and shoe stores? A. No, sir; one of the largest clothing stores in the city is opposite; there is a large wholesale clothing store there. Q. Are 3395 there any other wholesale stores there. A. There is a large jewelry house. Q. Anything else? A. A little above that is Jordan, Marsh & Company; opposite them, Hauck & Taylor. Q. All those houses load and unload their goods on the side streets, do they not? A. They have a rear entrance. Q. Every one of them? A. Not every one. Q. Which one has not? A. Hauck & Taylor; their entrance in the rear is on Temple Street. Q. They have one? A. Yes, sir, and Jordan, Marsh & Company have an entrance on Summit Street; all those largest stores run through to rear entrances as a rule; but I would not say all of them, because I know some are not very deep.
- 3396 Q. What ones have not rear entrances? A. I could not tell particularly now. Q. Give all you think of having rear entrances? A. I know all those large houses run right through. Q. All those are retail houses are they not? A. I would not say that. Q. Jordan, Marsh & Company? A. Yes, sir. Q. Hauck & Taylor are retail? A. Yes, sir. Q. And these jewelers? A. Yes, sir; all those I speak of are further up the street near Temple Place. Q. Is there any one of those stores that does not do a retail business? A. I think not; they do retail as well as wholesale. Q. Is not their business substantially the same as Lord & Taylor's and Arnold & Constable's here? A. Very much. Q. One part retail and another part wholesale, with one entrance for one and another for another? A. Yes, sir.

By Mr. Scribner:

Q. Washington Street is much narrower than Broadway, is it not? A. I should think, from my

remembrance, it is 25 feet ; Broadway—I am not 3397
 very good at guessing, but a Yankee always guesses
 —I should say is about 40 feet. Q. Broadway is
 15 feet wider than Washington Street? A. Yes
 sir, I should think so. Q. How about the snows in
 Boston, in Winter ; are your streets much covered
 with snow ? A. When I was there a few weeks ago
 the streets were covered ; they stopped all the horse
 cars and put them on runners. Q. But they have
 much heavier snows there than here ? A. Yes, sir.

By Mr. Beaman :

Q. They put them on runners in the Winter time,
 you say ? A. To a certain extent. Q. Why do
 they do that ? A. Because the snow in the middle
 of the street is two feet deep ; sometimes right level 3398
 with the sidewalk, and they won't allow their horse
 cars to sweep it off.

By Mr. Wickes :

Q. Who do not allow the horse-cars to throw the
 snow off ? A. The municipal authorities—the city.
 Q. In regard to the stage lines which you say used
 to exist in the streets of Boston, and which you say
 were replaced by horse-cars, did you notice whether
 the horse-cars carried more passengers than the
 stages ? A. I didn't notice it ; there is one stage
 line, the old Hawthorne line, that runs a line of
 stages now from away in the city out to Charles-
 town ; those that were on the street were very much 3399
 interested to get the stages off and we did ; I know
 —to establish the effect a little ; the last lease I
 took of my old store was in 1860 ; I took a lease for
 fifteen years, and I made some repairs in the store,
 and in a very short time a man wanted the store ; I
 had it for \$2,000 and he wanted it at \$4,000, and I
 let him have it ; afterwards he let for \$5,000, or
 \$5,500 ; that store rents to-day for \$5,500 or \$6,000 ;
 so that, so far as I know from the rent of stores,
 real estate on Washington Street to-day is worth
 two to three times what it was when I left my busi-
 ness there.

By Mr. Scribner :

Q. Two or three times what it was before the
 railroad was constructed ? A. Yes, sir.

3400 *By Mr. Beaman :*

Q. Has not the real estate all over Boston improved in that period in the same proportion? A. No, sir; as I read the papers they carried me back 30 years, and I was surprised to see things as they are here, and that is why I came to be here.

Q. And where do you live in this city? A. Fortieth Street. Q. What is your business? A. Fancy goods; I have an office; it is in a building that burned some years ago. Q. How long have you been there? A. Going on three years. Q. Have you any clerks there? A. Two. Q. Why did you leave Boston? A. Because I sold out my business. Q. You have been here and are doing a little business up there at your place? A. I built a
3401 factory in the country and the tide turned; when the tide turns it generally goes out. Q. You have noticed that, as to the tide, have you? A. Yes, sir. Q. You took your little place up on Broadway when no horse railroad was there? A. Yes, sir; I moved there two years and a half ago. Q. Where did you move from? A. Canal Street. Q. There is a horse railroad on Canal Street? A. There is one track that runs through there. Q. Are there not lots of people there along that horse railroad? A. Yes, sir. Q. Are you not going to leave Broadway as soon as there is a horse railroad? A. No, sir; business men know what Broadway is. Q. You say business men know what Broadway is; I want to know also? A. I could not tell you any better than
3402 any other man in the room; you know it is a business thoroughfare. Q. You are a witness and I want you to tell me? A. We would rather be on Broadway than be on Canal Street; we would rather be on Broadway than on Lispenard Street; we would rather be on Broadway than any other Street in New York. Q. Why? A. Because of its being a better street; it is a thoroughfare; because everybody knows Broadway; because we would rather be on Worth Street than on Franklin Street or on Leonard Street; because certain streets are known; they are streets of character, or business, and they are thoroughfares. Q. You will stay there if there is no horse railroad put there, will you not? A. I propose to stay there; when I move I look to perhaps staying as long as circumstances warrant; as I said, I heard what was going on, and I came here

because I was a little amused. Q. You came here 3403
for amusement? A. Yes, sir.

ALEXANDER PRICE, a witness called on behalf of
the Broadway Surface Railroad, being duly sworn,
testified as follows:

By Mr. Scribner :

Q. How long have you been connected with the
police force of the City of New York? A. Twelve
years. Q. You are a member of the Broadway
Squad, are you not? A. Yes, sir. Q. You are a
roundsman? A. Yes, sir. Q. How long have you
been connected with the Broadway Squad? A. Go- 3404
ing on five years. Q. As roundsman, your beat is
what? A. I am at present from Fourteenth Street
to Thirty-fourth Street. Q. Were you ever located
on Broadway, south of Fourteenth Street? A. Yes,
sir, for a short time. Q. Whereabouts? A. I was
once on Vesey Street. Q. When was that? A.
That was over four years ago. Q. You are familiar
with the ordinary travel on Broadway, are you not?
A. Yes, sir. Q. You are familiar with the ordinary
character of vehicles that run there, the stages,
trucks and other vehicles? A. Yes, sir.

Q. Suppose the stages now running on Broadway
south of Fourteenth Street were withdrawn, and in
lieu, or in substitution for the stages, a railroad
was constructed in the centre of the street with 3405
double tracks, and that fifty cars were substituted
for the 210 stages now running, do you think that
would relieve Broadway, or tend to further obstruct
it?

Mr. Beaman : I object to the evidence as incom-
petent, as not in rebuttal, and as cumulative, and I
ask that the same objection may be considered as
made to all the testimony of this witness.

Motion denied; exception taken by Mr.
Beaman.

A. In my opinion it would relieve Broadway. Q.
Do you think there would be any difficulty in oper-
ating a street railroad in Broadway between the
Battery and Fourteenth Street with the stages
withdrawn? A. I don't think so. Q. Do you not
think that the fixed lines on which the cars would
have to travel, and the knowledge that you would
find the cars in that location at all times, would

3406 tend to facilitate travel in Broadway? A. Yes, sir; I think it would.

Mr. Beaman: I move to strike out the testimony of this witness as incompetent, as not in rebuttal and as cumulative.

Motion denied; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman:

Q. How long were you at Vesey Street? A. I think about four months. Q. In what year? A. That was in 1880, I believe. Q. Was there more travel there then than there is up where you are now on Broadway? A. Yes, sir. Q. How many times as much travel? A. I can't say there was
3407 more travel then, at that time, than what there is now there. Q. You are not on Broadway much below Fourteenth Street, are you? A. No, sir; I spent four years at Nineteenth Street. Q. At Nineteenth Street? A. Nineteenth Street crossing.

By Mr. Scribner:

Q. Nineteenth Street and Broadway? A. Yes, sir; Nineteenth Street.

By Mr. Beaman:

Q. What were you there for? A. Helping people back and forth across the street. Q. Was there
3408 much travel there of loaded vehicles? A. There has been during the first two years I was there. Q. Is there now? A. Not as much now as there was then. Q. What has become of that travel? A. Trade has seemed to leave Broadway during the last two years; there is not as much trade in Broadway as what there was previous. Q. But where you are you have noticed that fact? A. Yes, sir. Q. All the way from Fourteenth Street to what street? A. Above that I don't know much about it. Q. To Fourteenth Street and what? A. Well, from—at that point I speak of, Nineteenth Street, I was stationed there for four years and there is not as much trade there. Q. The business has fallen off there? A. Business has fallen off. Q. Is that caused by horse-cars? A. No, sir; I don't think so. Q. What do you think does cause it? A. Business has seemed—I don't think there is as much business in any portion of the city as there

was two years ago. Q. Are there any offices to let along there? A. Not in that neighborhood. Q. Where are they above that? A. My experience now on Broadway—I have been along Broadway below Fourteenth Street during the last three months and I have noticed that there are a good many stores between—well, all the way from Chambers Street to Fourteenth Street.

Q. All the way up and down? A. There are a great many stores vacant. Q. How about Broadway above Fourteenth Street? A. There are not so many up there vacant. Q. How much has the travel on Broadway at about Nineteenth Street fallen off in the last four years; half? A. Oh, no, not half. Q. How much? A. I notice there is not as much travel. Q. What kind of travel is there at that place mostly? A. In that neighborhood they are all business people going to the stores. Q. Going to the stores? A. Yes, sir. Q. Are there a great many private carriages and hacks? A. Yes, sir, a great many. Q. Shopping at the stores there? A. Yes, sir. Q. You are acquainted with Sloan's Carpet Warehouse, are you not. A. Yes, sir. Q. He has a great many carriages stop there, has he not? A. Great many stop at Sloan's and at Arnold & Constable's. Q. And at Lord & Taylor's and all those places? A. Yes, sir. Q. These people do not load goods on Broadway on the sidewalk, do they? A. No, sir. Q. They do that business on the side streets? A. Side streets. Q. Is there much trucking in that section? A. That I don't see much of, on account of the loading on the side streets. Q. Is there much trucking going on up on Fifth Avenue, between Fourteenth and Twenty-third Streets? A. I don't think there is much trucking in that neighborhood. Q. When you were down on Vesey Street was there much crowding in the street? A. Yes, sir, at that time. Q. Were there many blocks? A. Yes sir; at certain seasons of the year Broadway is blocked down in that neighborhood for hours. Q. Is an omnibus any worse on a street for travel than a loaded truck? A. They are so, in taking up and letting down passengers; there is where they take up the time; they are so very slow in moving along and taking up passengers. Q. They are slower than trucks? A. They are slower than trucks, and slower than cars, loading and unloading. Q. Cars go on before you get off; is that your

3412 idea? A. I don't mean that they go on before you get on or off; but they take them up quicker, and let them down quicker than the stage, on account of their having a conductor. Q. They can run along and get on without cars stopping; you have seen them do that? A. Yes, sir. Q. Mr. Sharp says a great many do so, and there is no harm in it?

Mr. Sinclair: That is your testimony again.

Q. Do you agree with Mr. Sharp that a great many do jump on flying? A. I suppose they do sometimes; I have done it. Q. How wide is Broadway from here to the Battery; do you know? A. Broadway, I think, is about in the neighborhood of 35 or 36 feet wide. Q. Do you know how much room the car tracks take up? A. About 12 feet, I guess. Q.

3413 Is there room between the sides of the cars and the curb for more than one vehicle to pass; is that your idea? A. No, sir. Q. Only one? A. No, sir. Q. Your idea is they are no worse on a street than an omnibus; A. No, I don't think they are; it seems, from my experience, that the people in that neighborhood where I was would much rather ride on a car than an omnibus. Q. They would much rather ride on them? A. Yes, sir; they ask so often if those cars don't get below Fourteenth Street; if the car would not take them to Stewart's, and a great many other prominent places on Broadway; and when I tell them they don't go on Broadway below Fourteenth Street, they take the cars in preference, or walk.

3414 Q. So they still go down to Stewart's, do they? A. Yes, sir. Q. I suppose when they found the cars did not go down to Stewart's that some of them went in to Lord & Taylor's and bought? A. I have no doubt. Q. You have had occasion sometimes to clear up Broadway so that the fire engines might go through, have you not? A. Yes, sir. Q. Do you not think the horse-cars are an obstruction when you want the fire engines to get through? A. I have never seen it so when I have been there; I have had an engine right in that street, in Eighteenth Street, where I was. Q. My question is, do you not think there are times when horse-cars are an obstruction to fire engines in the street? A. I suppose so. Q. Is it not a great advantage when you have a block anywhere between two vehicles that both of them may move a little instead of having one of them fixed? A. There are sometimes when a horse-car

can move, and sometimes when a stage cannot move. 3415

Q. A horse-car can move on one side, can it? A. Of course it has got to go straight on a line. Q. Is it not an advantage sometimes when two things are coming up together, and they want to pass each other, to have them both stop and move a little to one side or the other? A. Yes, sir. Q. Is it not a fact that horse-cars may be blocked, and cause a block in the street by reason of the fact that something has fallen down which they cannot pass, or that something sticks out over their track which they cannot get by, when, if there was an omnibus there, it could get right around that obstruction? A. That is so. Q. Is it your opinion as you see people traveling up and down that part of Broadway that you are in, that the heavy trucks go on the horse-car tracks, or to one side of them? A. I notice that truckmen in general are very fond of keeping in the horse-car tracks. 3416 Q. They go in front of the horse-cars? A. Yes, sir. Q. And the horse-cars can't get by them, and they have to whoop them up? A. They have to drive them out. Q. So that the horse-cars can go faster than the trucks? A. Yes, sir. Q. Do you not notice that when trucks get up to about Twentieth Street, they all leave the tracks there? A. I notice most of the trucks like to keep in Broadway. Q. Why do they do that? A. I don't know why they do; I have often wondered myself why they do. Q. You have never driven a truck yourself? A. No, sir. Q. Have you ever come to any conclusion as to whether the centre of the street is the best place to drive a truck rather than on the side where it is slanting? A. Yes, sir; in Winter. 3417 Q. Is it not best to drive the truck in the centre of the street, on the crown of the road, rather than on the side where it is slanting? A. They try to keep in the same track where it is easier running. Q. Is not the centre of the street easier running when there is no horse car track? A. I could not say that it is. Q. You have never driven a team in your life? A. I have driven a team.

By Mr. Scribner :

Q. You say you are now located on Broadway below Fourteenth Street? A. No, sir; above Fourteenth Street. Q. Did you say that you had been for three months on Broadway below Fourteenth Street? A. Three months on Vesey Street. Q.

3418 When was it that you were between Chamber Street and Fourteenth Street ; did I misunderstand you ?
A. Sometimes now I am along there.

Q. There is where you have noticed vacant stores ?
A. Yes, sir ; I have occasion now to go along Broadway most every day ; I travel on Broadway down here almost every day between Chambers Street and Fourteenth Street. Q. But your particular station is on Broadway between Fourteenth Street and Thirty-fourth Street ? A. Yes, sir. Q. There is a street railway there ? A. Yes, sir. Q. Do the cars run with regularity there ? A. Yes, sir. Q. Are there two lines of cars running over a portion of Broadway there ? A. Yes, sir. Q. Between Fourteenth Street and Thirty-fourth Street the Broadway and Seventh Avenue cars run, do they not ? A. Yes, sir. Q. And between Twenty-third Street and Thirty-fourth Street the crosstown line of the Forty-second Street cars run—green cars ? A. No, they run between Twenty-third and Thirty-fourth. Q. So that between Twenty-third and Thirty-fourth Streets there are two lines in operation on Broadway ? A. Yes, sir. Q. And between Fourteenth Street and Thirty-fourth Street the Broadway and Seventh Avenue lines runs two separate branches of cars, does it not ? A. Yes, sir. Q. The Broome Street and the Barclay Street cars ? A. Yes, sir. Q. All those cars are operated on Broadway with regularity ? A. Yes, sir. Q. And that part of Broadway, between Seventeenth and Thirty-fourth Street at least, is a good deal narrower than it is down here ? A. I believe it is. Q. Between Seventeenth Street and Eighteenth Street are there not two street-car lines running ? A. Between Fourteenth and Seventeenth, and also between Seventeenth and Eighteenth. Q. Other lines than those I have spoken of ? A. Yes, sir. Q. The blue line runs on Broadway between Seventeenth and Eighteenth Streets ? A. Yes, sir.

3421

By Mr. Beaman :

Q. Up between Twenty-third and Thirty-fourth Streets there are eight or ten theatres ? A. Yes, sir. Q. And numerous hotels ? A. Yes, sir. Q. And retail stores ? A. Yes, sir. Q. There are no wholesale stores, are there ? A. No, sir. Q. Is there a blocking of the cars there often ? A. I have never noticed it except when people are coming out of the

theatres at night. Q. When the cars are very convenient? A. They stop to get their loads. Q. Do the officers of the Broadway Squad have free rides on all omnibuses and horse-cars in the city? A. All, excepting a few lines that I know of. Q. What lines are they that they do not have free rides on; are there any omnibus lines that you get in and have a free ride. A. Yes, sir. Q. When you are in uniform? A. Yes, sir.

By Mr. Scribner :

Q. Uncle Jacob Sharp does not give you any free tickets, does he? A. No, sir. Q. You have to pay when you are on his Twenty-third Street line? A. Yes, sir. Q. You do not have a pass on that? A. No, sir. 3423

By Mr. Beaman :

Q. Do you not have a pass on the Broadway line? A. Yes, sir.

Mr. Beaman : Is Uncle Jacob interested in that—I do not know who Uncle Jacob is.

JOHN W. PHILLIPS, called as a witness on the behalf of the Broadway Surface Railroad, being duly sworn, testified as follows :

By Mr. Scribner :

Q. You are a member of the police force of New York? A. Yes, sir. Q. You have been for how many years? A. Twelve and a half. Q. Are you a member of the Broadway Squad? A. I am. Q. Where is your station? A. Twenty-third Street and Broadway. Q. Were you ever stationed on Broadway below Twenty-third Street? A. Every post on it. Q. You have been on every post on Broadway? A. I think I have been on all. Q. Will you indicate the particular posts you have been on? A. I was on Fulton Street when they built the Evening Post; I was at Chambers Street, I forget the date; these are the places I was the greatest length of time; where I am now I am over nine years. Q. Have you been at Vesey Street also? A. Yes, sir. Q. Then you are familiar with the usual character of travel on Broadway between Fulton Street and Twenty-third Street? A. I think so. Q. And have 3424

3425 been for years past? A. I think so. Q. In your opinion would the construction of railroad tracks in the centre of Broadway, from the Battery to Fourteenth Street, with a line of cars running thereon, interfere with the ordinary use of that street by trucks and other vehicles?

Mr. Beaman: I object to the evidence of this witness as incompetent, as not in rebuttal and as cumulative, and I ask that the same objection may be considered as made to all the testimony of this witness.

Objection overruled; exception taken by Mr. Beaman.

A. Not a particle. Q. In your opinion would the withdrawal of the stages from Broadway facilitate public travel very much? A. Unquestionably. Q. 3426 Are you familiar with the manner in which these stages whip across the street from the right to the left when they see a five-cent fare, or a lady passenger, or something of that kind? A. They do. Q. Does that tend to obstruct travel? A. Very much. Q. Does that tend very much more to obstruct travel than a car would proceeding all the while on a direct line? A. I think an equal number of stages are much more detrimental to travel than an equal number of cars. Q. That is to say, if there were fifty cars on Broadway they would not incommode, or interfere with public travel more than fifty stages? A. I do not think they would. Q. As a matter of course fifty cars would very much less interfere with public travel in the street than 210 stages? A. Un- 3427 questionably; no comparison. Q. So that the removal of 210 stages and the substitution therefor of fifty cars would promote public travel on Broadway, would it not? A. I think they would; stages have a faculty of what they call ramming each other; when two or three come abreast they want pretty nearly the whole street. Q. And they are in the habit of traveling all over the streets? A. Go as you please. Q. In your opinion would there be any sort of difficulty in operating a railroad in Broadway in consequence of the collection of vehicles on it? A. I don't think there would, properly managed. Q. At Twenty-third Street where you are stationed there are several lines of cars running? A. Yes, sir; Twenty-third Street and Broadway and Seventh Avenue.

Q. The Broadway and Seventh Avenue Company

run two lines of cars there, the Barclay and the Broom Street line? A. Yes, sir. Q. Those cars are operated with regularity and despatch? A. They cause me no difficulty. Q. You are stationed there, and have been for years past? A. Yes, sir. Q. Nine years past? A. I have been there the past nine years. Q. That is a crowded part of Broadway at Twenty-third Street, is it not? A. I should think that certain times of the year it is probably as crowded as any part of Broadway, between the cars and the stages. Q. Notwithstanding the different lines of cars that operate on Broadway, there is still another Twenty-third Street line that runs across it at that same point? A. Yes, sir. Q. And notwithstanding that, and the collection of carriages and other vehicles that run there, the travel in that street gets along with comfort and expedition, does it not? A. They tend to convenience the public; the Twenty-third Street railroad was only a short time put in operation; and up around there there is a good deal more of people and of driving and business done there; and so, of course, naturally the complications are more than when I went there first. Q. But it is your experience that the street railroads are a public accommodation? A. Of course they are, unquestionably; they built those corners up there. Q. Is there any doubt in your mind that a well-constructed and well-operated railroad on Broadway, between the Battery and Fourteenth Street, would be a great public accommodation? A. I think it would, unquestionably. 3428 3429 3430

Mr. Beaman: I move to strike out the testimony of this witness as incompetent, as not in rebuttal, and as cumulative.

Motion denied; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman:

Q. You think it would be what? A. A great accommodation and a great benefit. Q. Do you own any property in the City of New York? A. No, sir; unfortunately, I don't. Q. Where do you live? A. Seventeenth Street, between Eighth and Ninth. Q. Between Eighth and Ninth Avenues? A. Yes, sir. Q. How long is it since you have been stationed on any part of Broadway below Fourteenth Street? A. I have been down there considerably, the Summer before last, during vacation times there;

3431 while the men were on vacation I had to go and take the place of others. Q. But you have not been permanently stationed there for nine years? A. No, sir; but I am pretty well informed as to the traffic. Q. What, in your judgment, is the amount of travel on Broadway now as compared with ten years ago? A. I think it might probably be about half. Q. You mean at this particular time of the year? A. No, I don't; I mean at any time. Q. You think there is not half as much business on Broadway as there was ten years ago? A. I think there is; I don't think that accounts for the removal of the traffic. Q. How do you account for the removal of the traffic? A. The opening of Church Street, Mail Street, Brooklyn Bridge, and the widening of South
3432 Fifth Avenue; there are a good many reasons. Q. That has all relieved Broadway? A. It has all relieved it, every one of those things, just as soon as it occurred you could feel it in the traffic of the streets.

Q. You used to feel the difference as soon as these things occurred? A. Yes, sir. Q. How long is it since you have seen a blockade in the lower part of Broadway? A. At the present time they occur for a few minutes at a time; but when I first came there they used to be an hour and a half or two or three hours. Q. At that time there were several lines of stages going down to the South Ferry? A. Yes, sir. Q. Have you ever seen any block in Twenty-third Street? A. Yes, sir. Q. Private vehicles? A.
3433 Yes, sir; a pretty heavy blocking in Twenty-third Street. Q. How wide is Twenty-third Street? A. I should think it must be about 35 feet. Q. There are no wholesale stores there anywhere, are there? A. Very large retail stores. Q. Any wholesale stores? A. I think not. Q. Do you not think there ought to be a policeman stationed on the corner of Twenty-third Street going from there to Madison Avenue? Suppose you were going up the east side of Broadway to Madison Avenue, do you not think there ought to be a policeman stationed there? A. Probably there ought, but not all the times in the year. Q. You think there ought to be one? A. I am there, and of course if they make a special request—if any person is lame—we go across even to the Park; you mean from the Fifth Avenue Hotel to the Park? Q. Not from Fifth Avenue, but from Twenty-third Street and Broadway, on the east side, to the Park? A. Yes, sir, I think there is work for

one there. Q. There ought to be one there to help 3434
 little children across? A. I think with the travel
 there they ought to have one. Q. What makes the
 travel there; horse-cars? A. No, not particularly.
 Q. What is it? A. Traffic. Q. Is it more crowded
 than Broadway? A. Every year it is getting more
 so. Q. The crowd is going up-town? A. Apparently
 so. Q. Is there much traffic, trucking, up and
 down Fifth Avenue? A. Yes, sir. Q. There is very
 little between Fourteenth Street and Twenty-third
 Street on Broadway, is there? A. Oh, no. Q. Is
 there not more on Fifth Avenue? A. There is prob-
 ably more on Fifth Avenue; not much more truck-
 ing; of course there is more carriage driving. Q.
 There is more carriage driving on Fifth Avenue than
 on Broadway? A. Yes, sir. Q. There is a good 3435
 deal of trucking on Fourth Avenue? A. Remark-
 ably little, considering the size of the street.

By Mr. Scribner :

Q. Have you had occasion to observe the action of
 the fire engines in going to the fires around your
 neighborhood in Twenty-third Street? A. Yes, sir.
 Q. Do you know whether as a matter of choice they
 usually run through Twenty-third Street where
 there is a railroad track rather than through Twenty-
 second Street or Twenty-fourth Street where there
 are no railroad tracks? A. There is not a thing on
 wheels in New York to-day that won't go for a rail-
 road track. Q. How about the fire engines? A.
 They even seek it too; in the first place they have 3436
 generally got the tracks in good condition; the foot-
 ing is good for horses; in slippery weather it is
 sanded, and there is space between the cars, and
 even if it does interfere with them once in a while
 there is ample space to turn out. Q. So that the
 fire engines in consequence of the superior condition
 of car-tracks, seek the car-tracks rather than the
 streets where there are no tracks? A. In this season
 of the year they do; I don't think they would make
 any preference in a good day, under ordinary cir-
 cumstances. Q. Take a day like this; would an en-
 gine through choice seek the Twenty-third Street
 railroad track rather go through Twenty-second
 Street? A. They make better time by it.

By Mr. Beaman :

Q. You never have driven one of those fire
 engines, have you? A. No, sir; but I am pretty

3437 familiar with how they get along. Q. Suppose you meet a car, what happens then? A. In the first place they make provision—they generally travel the same way the car does, and if a car is going up-town they follow the up-town track. Q. When they get to the car, the car-driver sees them, and he stops, or he will look out to see what is the intention of the driver, will he not? A. That is about the way it is; then the engine jumps on one side and goes ahead to let the car go about its business. Q. They drive faster than the horse-car? A. I should say they did. Q. You have been subpoenaed to come here? A. I was. Q. You have never driven a stage at all? A. No, sir. Q. Do you know Mr. Disbecker? A. This gentleman here? Q. Yes. A. I have seen him before. Q. How long have you known him? A. Ever since he used to be Police Commissioner. Q. Has he been talking to you about this before you testified? A. He never opened his lips to me about this, and I never spoke to him more than once or twice.

ORLANDO WILDEY, called as a witness on behalf of the Broadway Surface Railroad Company, being duly sworn, testified as follows:

By Mr. Scribner :

3439 Q. How long have you been connected with the police force in New York? A. About seventeen years. Q. How long have you been a member of the Broadway Squad? A. I came here in 1869; I have been up to the depot three years—the Grand Central. Q. The Grand Central Depot? A. Yes, sir. Q. At what points on Broadway have you been located? A. I have been all over Broadway; Twenty-third Street; I was there three or four years; Fulton Street, Vesey Street; and all of them. Q. What other points; Chambers Street? A. Yes, sir; Chambers Street and Cortlandt Street; I guess there isn't a position on Broadway I haven't been on. Q. Within what period of time? A. I was about 1868 on Fulton Street; in Vesey and along there for two or three years. Q. The travel at that time on Broadway was greater than it is now, was it not? A. A great deal. Q. Very much greater? A. Yes, sir. Q. Is it not the result of your observation that the travel on Broadway has diminished, not increased,

within recent years? A. Certainly it has. Q. With 3440 your knowledge of the character of Broadway travel and the ordinary character of vehicles there, in your opinion would it be difficult to operate a street-rail-road on Broadway between Fourteenth Street and the Battery, if the stages were removed?

Mr. Beaman: I object to the evidence as incompetent, as not in rebuttal and as cumulative; and ask that the same objection may be understood as made to all the testimony of this witness.

Objection overruled; exception taken by Mr. Beaman.

A. I think not. Q. In your opinion would the removal of the stages tend to contribute to the relief of Broadway? A. I think it would. Q. In your opinion would the cars be less of an obstruction 3441 than the stages on Broadway? A. I think they would. Q. Stages are vehicles of a rather lawless character, are they not; they travel all around the street? A. I don't allow them to if I see them.

Q. But they do it? A. They do more or less. Q. They get on the wrong side of the street, do they not? A. Sometimes they do. Q. A car can't do that, can it? A. They will stop and take in a passenger, and a big truck comes along and it stops that, and then the horses slide on Broadway, and it sometimes creates a block. Q. In your opinion does a horse-car take as long as a stage to land or take in passengers? A. I guess it takes as long to get in a stage; it don't make much difference.

Mr. Beaman: I move to strike out the testimony 3442 on the ground that it is incompetent, not in rebuttal and cumulative.

Motion denied; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman:

Q. Which, in your opinion, is the most obstruction on Broadway, a stage or a loaded truck? A. I don't know as there is much difference. Q. Which, in your opinion, is more of an obstruction on Broadway, a stage or a horse-car? A. I think a stage would be. Q. Why? A. Because they are stopping here and there and taking in passengers; if you have a big truck coming on behind a stage with a big load, as much as you can swing to, and the stage stops, you have to stop, and the first thing you know you block them. Q. How about a horse-

- 3443 car? A. You must keep on the right or left there. Q. Do not trucks drive behind horse-cars? A. Well, the stage runs right and left and all over. Q. Do not trucks drive behind horse-cars? A. I have seen three or four trucks abreast. Q. Whereabouts? A. On Broadway. Q. When a car stops what happens to one of these trucks behind it? A. When there is a car-track, they generally keep one side of a track. Q. You don't find the trucks on the tracks? A. Not generally. Q. They avoid it, as you see them? A. I never noticed it particularly; they generally keep on one side. Q. In your opinion the trucks on the horse-car streets generally keep on the side of the street? A. Yes, sir; generally; the policemen make them keep off the track;
- 3444 we don't want them to block up the car. Q. You don't let them go there? A. That is the law. Q. What is the law? A. They have the right of way. Q. Who has? A. The cars. Q. Your idea is that you, as an officer, must drive the trucks off the horse-car tracks? A. When I am on a car, and I am in a hurry to get up town, I whistle for them to get off. Q. But when you are not on a car and are on duty, what do you do? A. I generally make them get off. Q. A loaded truck? A. Sometimes it would not be loaded; I have seen them blockade a line of cars. Q. You have seen a truckman blockade a line of cars? A. Not a whole line; two or three cars. Q. What did you do then? A. Made them get off. Q. Suppose he couldn't? A. We
- 3445 generally use judgment; we see whether they can or not; if there is room we make them get off. Q. Suppose you were on Broadway, and a truck is backed up at say Arnold & Constable's up along your way, and his truck sticks out, and suppose he had a heavy safe on and a car came along, what would you do? A. I would let him unload. Q. You would? A. I would. Q. How long would you let him stay there to unload? A. It would depend; generally they can unload or load in five minutes; sometimes these big trucks cannot. Q. How long have you seen them standing that way? A. Ten or fifteen minutes sometimes.
- Q. Would you let them block up the cars that long? A. We have to; we can't get them off; generally they don't block the road. Q. You never see the trucks stick out in that way? A. No, I don't think they do; they generally run alongside.

Q. There are not so many heavily loaded trucks up there? A. Not along there I don't think there is. 3446

Q. Have you been in any street where there is much heavy loading and unloading done? A. I have been on Church Street. Q. Have you seen blocks there a great deal? A. I have never seen any large block. Q. What do you call large? A. Where they have twenty-five or thirty; the same as these political meetings. Q. Political meetings block them up? A. Yes, sir; sometimes. Q. You have seen blocks in Church Street of how many cars? A. I have never seen any very large blocks there. Q. How many cars have you seen blocked there? A. I have seen three or four. Q. You have seen a good deal of loading and unloading there? A. Not a great deal. Q. There is not much done there, is there? A. I suppose there is; I have never been there. 3447

Q. You are talking about what you don't know much about? A. I don't know much about that. Q. How about West Broadway? A. Only when I have been riding through on the cars. Q. You never saw any blocks there? A. I have always seen them moving; not to my remembrance, I haven't seen any. Q. You don't know that there are any blocks there? A. Oh, I don't know. Q. And you have never had any experience with horse-cars stopping on this part of Broadway between Fourteenth and Thirty-fourth Street, have you? A. I live on Third Avenue. Q. That is a very wide street, is it not? A. Yes, sir. Q. There is plenty of room there for cars? A. Yes, sir. Q. You don't 3448

know of any part of Broadway where loaded vehicles are going to stop the horse-cars? A. I don't think Broadway would be obstructed any more by cars than stages if the stages are taken off. Q. You think one stage is as much of an obstruction as one car, do you? A. I think so. Q. And, so far as you know, you don't think that there is any obstruction in the fact that the car cannot leave its track, but has got to stop where it is? A. I don't know; I don't think a car would block up the way as much as a stage. Q. Don't you think the cars would be likely to block up themselves more than the stages would? A. No, I don't think they would. Q. You have frequently seen things happen on Broadway, where a wheel came off or a horse fell down; that happens quite often does it not? A. Yes, sir. Q. When that happens it is going to stop

3449 a car on a car-track, is it not? A. Yes, sir. Q. But an omnibus can go by in such a case? A. Yes, sir. Q. Anything that happens on a street is much more likely to stop a horse-car than it is to stop an omnibus, is it not? A. Certainly; if they get on the track it would stop the car; that is a sure thing. Q. Then there is more likelihood of cars being stopped than there is of omnibuses? A. Yes, sir. Q. Is there not more likelihood of cars causing an obstruction themselves than omnibuses; suppose we see why; we are going along, we follow the car and there is a little space between the track, that is on the side of the street which the car and I could both pass if the car could move a little and let me through; now, because the car cannot move I cannot go on either side of the car, for there is not room enough; but if the car could move to one side a little I could go between it and the other vehicles; doesn't that happen frequently? A. I suppose it does.

Q. Do you not think that anything that happens with a car would blockade the street more than if it was an omnibus? A. Certainly; if it was on the track and it couldn't get off. Q. Then you have rather made up your mind that horse-cars are more likely to be blockaded than omnibuses, have you not? A. I think stages block up the trucks more; they cause the block on Broadway. Q. A horse-car is a little more likely to be stopped than an omnibus, is it not? A. Yes, sir. Q. It is a little more likely to stop something else than an omnibus? A. If stages get off of Broadway. Q. The more you think of it the more you come to that conclusion, do you not? A. I think myself that the railroad would not block it up as much as the stages. Q. Tell us why you think so? A. I have seen a truck come up Walker Street; the fellow had a big load of iron on; he had to pull up; and as he pulled up, the horses started and slipped, and he had to get another fellow to help him pull up the hill. Q. Then it is very hard for these trucks to get along whenever they have to stop? A. That is in slippery weather. Q. If they meet a horse-car and are on the track it would be hard to turn off, would it not? A. They would keep on the side of the track. Q. Your idea is, if there was a horse-car track on Broadway, they would avoid the centre of the street? A. I think they would not want to be

shifting all the time. Q. Why? A. I would rather 3452
 avoid the track. Q. Is it not true that all day long
 there are trucks standing backed up against the
 side of the street? A. Not all the time; up at
 Worth Street, say it might be. Q. That being so, a
 truck could not go alongside of a horse-car track
 and between it and the curb? A. No; but, I think
 there is room there so that two stages can pass there
 with trucks backed up against the walk. Q. What
 would a truck that came along and found one of
 these other trucks backed up against the curb do?
 Assume that there was a truck coming up and it
 was trying to avoid the cars; and it came to a place
 where a truck is backed up, what would it do? A.
 It would have to pull up on the car-track. Q.
 Wouldn't that be very hard? A. I don't know. 3453
 Q. Do you not know that it is much harder for a
 truck to be pulling off and on a horse-car track than
 if there was none? A. I wouldn't drive that way, on a
 car track. Q. Have you ever driven much? A. No; not
 much. Q. Why would you not drive on car-tracks?
 A. I wouldn't want to be turning off all the while. Q.
 If you tried to drive on one side you would have to
 be turning in and out would you not? A. I suppose
 I would. Q. Do you not think it is a great nuis-
 ance to truckmen to have the horse-cars come along?
 A. I don't think it would be any more than the
 stages. Q. Do you not think that they have to
 move more for horse-cars than they do for stages?
 A. No; I don't think they do. Q. You think they
 would know more about it than you, do you not? 3454
 A. I should think they ought to.

By Mr. Scribner :

Q. The trouble with these trucks generally is that
 they have about twice as much on as the horse can
 carry, is it not? A. They load very heavy. Q.
 Frequently very heavily loaded? A. Yes, sir. Q.
 So that Mr. Bergh has occasionally to interfere with
 them? A. He don't do so much as used to, as re-
 gards heavy loads.

By Mr. Beaman :

Q. Horse-cars have heavy loads on them, do they
 not? A. Yes, sir.

CHRISTOPHER SMITH, called as a witness on behalf
 of the Broadway Surface Railroad Company, being
 duly sworn, testified as follows :

3455 *By Mr. Scribner :*

Q. How long have you been connected with police force in New New York? A. Over fifteen years. Q. Are you a member of the Broadway Squad? A. Yes, sir. Q. And you have been for how many years? A. Over ten years. Q. At what different points on Broadway have you had your positions? A. I have been pretty much on every post on Broadway. Q. Designate the particular stations? A. I was a short time on Cortlandt Street, and from there I went to Grand Street; and from there to Fulton. Q. You have been at Fulton and Grand and Cortlandt? A. Cortlandt, Grand and Fulton; that is, any length of time. Q. At what other points? A. Chambers Street. Q. Then you are familiar, and
3456 have been during ten years, with the travel on Broadway and the ordinary character of vehicles? A. Yes, sir. Q. In your opinion, from your knowledge of Broadway and the manner in which it is used and occupied, would you think there would be any difficulty in operating a street railroad in Broadway, between the Battery and Fourteenth Street?

Mr. Beaman : I object to the evidence as incompetent, as not in rebuttal and as cumulative; and I ask that the same objection may be considered as made to all the testimony of this witness.

Objection overruled; exception taken.

A. No, sir. Q. Suppose the stages that are now on Broadway were removed; would that tend to relieve
3457 Broadway? A. It would. Q. In your opinion, would fifty to seventy-five cars, running between the Battery and Fourteenth Street, obstruct Broadway as much as the 210 stages now running? A. No, sir. Q. In your opinion, would the construction and operation of a horse railroad on Broadway between the Battery and Fourteenth Street, obstruct in any way the general travel on the street? A. No, sir.

Mr. Beaman : I move to strike out the testimony of this witness on the ground that it is incompetent, is not in rebuttal and is cumulative.

Motion denied; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman :

Q. Where are you stationed now? A. Chambers

Street and Broadway. Q. There is an engine-house 3458
in Chambers Street? A. Yes, sir. Q. When it
gets the order to go to a fire up and down town, where
does it go? A. If it has to go towards Broadway,
we clear the way; me and another officer on the cor-
ner. Q. What do you do? A. We run ahead and
make motions to go on one side; the trucks whip
up and get out of the way as quick as possible. Q.
Where do they go? A. If they are going up town,
they go up, and if they go down, they go down;
but very often they go across Chambers Street. Q.
Where do the trucks go? A. On one side. Q. The
engine goes in the middle of the street? A. It does
at times; sometimes it takes the sides; it is accord-
ing to what time of the day it is.

Q. Do you often have occasion to do this? A. 3459
Yes, sir; quite often. Q. Do you think you could
do that easier with a horse-railroad on Broadway?
A. Well, I don't know but what we could—if an en-
gine was coming from Chambers Street and there was
a car going up Broadway we could shut off the car
at the lower end of Chambers Street and let this car
that was ahead, if there was one ahead, whip up his
team and go ahead; and then the engine could pull
out when he saw a chance. Q. Are there not plenty
of chances? A. It depends upon the hour of the
day. Q. What time of the day is it pretty crowded
now? A. Where I am it is not much crowded now.
Q. For how long has it not been crowded? A. Not
for the last two or three years. Q. You never saw a
crowd there where you are? A. Very seldom a 3460
block; I don't know when I have seen a block there.
Q. Have you seen any block up above here? A. Yes,
sir; I have, for a little while—a minute or two. Q.
Where? A. Where a horse gets down; at Reade
Street. Q. How many stages do you think there are
on Broadway at the present time? A. I should
judge there were between 220 or 230. Q. Have you
ever talked with anybody about how many there
were? A. Yes, sir. Q. Do you think there are 220
or 230 on Broadway from the Battery up? A. Yes,
sir. Q. Do you ever see the stages crowded up
Broadway? A. In bad weather they crowd up
pretty well sometimes. Q. Have you ever seen
Broadway crowded? A. Yes, sir. Q. Did you ever
see any blocks in Broadway? A. At the time I was
at Fulton Street they were putting up the *Evening*
Post building. Q. Did that make any difference?

- 3461 A. They had the street occupied away out in the middle. Q. That narrowed Broadway, did it not? A. Yes, sir. Q. Is it frequently the habit in putting up buildings on Broadway to do that? A. Not that I have seen. Q. You never saw that anywhere but at the *Evening Post* building? A. No, sir. Q. Have you ever been on a street where there is a horse-railroad? A. No, sir; I was at Grand Street a little while; a month or so. Q. Is that all? A. Yes, sir. Q. Is there any other street in New York that is more crowded than Broadway between Canal Street and the Battery? A. West Broadway and Chambers is a little crowded. Q. Crowded; are there blockades there? A. I haven't noticed. Q. Do you recollect of any? A. No, sir; not much of a blockade. 3462 Q. You don't know of any place that is so crowded as Broadway south of Canal Street, do you? A. No, sir; I do not.

By Mr. Scribner :

Q. Do you happen to know whether the fire engines of New York are so constructed—purposely so constructed—as to fit the railroad tracks? A. I believe they are.

EDMUND BIRD, called as a witness on behalf of the Broadway Surface Railway Company, being duly sworn, testified as follows :

- 3463 *By Mr. Scribner :*

Q. How long have you been connected with the police force? A. Twenty-one years. Q. What is your present station? A. My post is located on Church Street. Q. How long have you been located on Church Street? A. Over nine years. Q. There is a railroad in Church Street, is there not? A. Yes, sir. Q. And on Church Street there are a good many business houses? A. Yes, sir. Q. Those business houses on Church Street—stores and mercantile houses—load and receive their goods on Church Street, do they not? A. Yes, sir. Q. Do they have trucks coming there to receive goods and to take goods away? A. Yes, sir. Q. Notwithstanding that railroad in Church Street is now and it has been during the time you have been stationed in Church Street operated with considerable regu-

larity? A. It has. Q. Church Street is a very narrow street, is it not? A. Yes, sir. Q. Were you familiar with Church Street before the railroad was built? A. No, sir. Q. Do you know of any mercantile house that has moved away from Church Street in consequence of the existence of a railroad there?

Mr. Beaman: I object to the evidence as incompetent, as not in rebuttal and as cumulative; and I ask that this objection may be considered as made to all the testimony of this witness.

Objection overruled; exception taken by Mr.

Mr. Beaman.

A. I couldn't say that. Q. Do the trucks in Church Street incommode very much the cars or the cars very much the trucks? A. They do on one side, on the easterly side. Q. On that side what is the distance between the tracks and the curb? A. About eighteen inches—a foot and a half. Q. The track in Church Street is laid at one side of the street and not in the centre of the street? A. Yes, sir; on one side. Q. So that on that side there is only eighteen inches space between the track and the curb? A. Yes, sir. Q. Do blockades often occur in Church Street? A. In loading up on that side of the street particularly. Q. But the cars and trucks manage to accommodate themselves to the circumstances there, do they? A. Yes, sir.

Mr. Beaman: I move to strike out the testimony of this witness as incompetent, as not in rebuttal and as cumulative.

Motion denied; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman:

Q. Do not most of those stores that are on Church Street have also opportunities for loading and unloading on other streets? A. They unload and load from the other side where they can; on one side they can load all the way through. Q. Do not many of them have the fronts of their stores on streets running east and west, so that they can load and unload on the side streets? A. Some of them do; yes, sir. Q. Do not the great majority of them do so? A. No; I couldn't say the majority. Q. Do not all the large houses have an opportunity to unload and load on the side streets? A. They may below Worth Street; I am from Worth to Canal.

- 3467 Q. Is it not the fact that even from Worth to Canal most of the large houses are on the corners of the streets, and they have opportunities to load on the streets running east and west? A. Very few; they principally load on Church Street; they can back up without interfering with the cars on the west side. Q. So that, so far as those on the line of your beat are concerned, on the west side, they can load and unload without interfering with the cars? A. Yes, sir. Q. If they were on the other side of the street they would interfere with the cars? A. Yes, sir; they would interfere. Q. Are there many of them that do interfere with the cars? A. From Worth to Canal the principal houses do. Q. The principal houses do? A. Yes, sir. Q. How much? A. Of course they can't load either sideways or
- 3468 lengthways without obstructing them. Q. What happens then? A. They must be allowed sufficient time to load or unload. Q. How long does it take them? A. Sometimes they can get off what they have to put in in a minute and a half; sometimes it takes three, sometimes five; very seldom it takes that length of time. Q. How long would it take to take off a full load? A. Four minutes frequently. Q. And to put on a load how long would it take? A. The same. Q. A two-horse load? A. Yes, sir; a two-horse load. Q. Suppose they are longer than that, what happens? A. We allow them five minutes if it requires that. Q. Then substantially you stop the horse-cars five minutes at any time if it is necessary in order to allow a load to be put on a truck? A. Yes, sir, if it is necessary. Q. And that
- 3469 stops the traffic for five minutes? A. Yes, sir. Q. Is it a busy time now up and down Church Street? A. It is more so than for some time back. Q. Has it been quite dull for some time back? A. Yes, sir. Q. For how long has it been dull? A. Well, since the first of January it has been livelier. Q. It has been improving? A. Yes, sir. Q. Have you been stationed on Church Street below Worth Street? A. A very short time. Q. Have you ever been stationed on West Broadway? A. No, sir. Q. Nor on Broadway? A. No, sir. Q. You have never belonged to the Broadway Squad? A. No, sir. Q. Which way do the cars run on Church Street, north or south? A. They run north. Q. How many cars have you ever seen in a line there waiting to get by? A. It depends upon circumstances; sometimes

they get up by my post when they have been al- 3470
 ready blocked, five or six of them together ; they
 might have blocked before that ; if somebody was
 loading, of course they would be detained until
 they got the load on. Q. Is there not a good deal
 of blocking caused in that street by the fact that the
 trucks are on the street in front of the cars ? A.
 They prefer the tracks. Q. Do they not detain the
 cars a good deal ? A. No, they get off if they are
 are ahead of the cars ; they get off readily. Q. They
 have to pull off ? A. Yes, sir. Q. Do you make
 them pull off ? A. They know they have to pull
 off ; if there is an opportunity we make them pull
 off, if they don't do it themselves. Q. You try to
 keep the place clear ? A. Yes, sir. Q. Is there any
 other officer on Church Street ? A. Three of them ; 3471
 they take their turns. Q. Two on each day ? A.
 No, sir ; one at a time.

Q. On your beat ? A. Yes, sir. Q. How is it be-
 low you ? A. There is another one runs from Worth
 Street down to Warren Street. Q. There are two
 officers ? A. Yes, sir ; down to Warren Street. Q.
 There are two officers to keep a lookout and see that
 the trucks do not keep the horse-cars detained ? A.
 Yes, sir. Q. That is the necessity of the situation,
 as you understand it ; is there much other traffic
 through Church Street except loaded trucks that
 are going along in that immediate vicinity ? A.
 Very little.

By Mr. Scribner :

3472

Q. In your opinion, if the tracks were taken up in
 Church Street would the blocks be more or less than
 they are now ? A. They could not get through at
 all. Q. Why ? A. Because the trucks would be
 blocked up on each side of the street and they
 couldn't get through. Q. So that you think the ex-
 istence of a railroad track actually promotes traffic
 in that street ? A. Certainly, for the reason that we
 won't allow them to stand there excepting when
 loading or unloading ; when they get through they
 must go on ; they prefer to get on the track to get
 through to depot to ship their goods. Q. They can
 get off and on the track readily, can they ? A. Yes,
 sir. Q. The track does not afford any obstruction ?
 A. No, sir ; they can get off and on the left hand
 side. Q. What is the distance from the track to the
 curb on the west side ? A. I don't know exactly ;

3473 it is very seldom that a truck extends over to the horse-car track. Q. There are some trucks in New York that are larger than others. A. Very large trucks; yes, sir. Q. On the west side of Church Street, notwithstanding that the street is very narrow from curb to curb, a truck can stand there backed up and load and unload and the cars can get along without any obstruction? A. Without any obstruction. Q. And Church Street is very much narrower than Broadway is any way? A. Oh, yes, sir.

By Mr. Beaman :

Q. There is only a single track on Church Street? A. Yes, sir. Q. Trucks can get along in Church Street because there is only one horse track there, and there are officers there to regulate the traffic? A. You see, the cars being there, when they start the trucks follow right behind them; carmen say in general they can get along better with a track there than they could if the tracks were taken up. Q. That is your judgment? A. That is my judgment with my experience, being an officer there.

After recess.

JOSEPH H. BENNETT, called as a witness on behalf of the Broadway Surface Railway Company, being duly sworn, testified as follows :

3475 *By Mr. Scribner :*

Q. Where do you live? A. 256 West Forty-second Street. Q. In the City of New York? A. Yes, sir. Q. How long have you lived in the City of New York? A. Off and on all my lifetime. Q. How many years? A. Forty-six. Q. Are you an owner of or interested in real estate in New York? A. Yes, sir. Q. Do you own property individually and also in connection with others? A. Yes, sir. Q. What property on Broadway do you own? A. 820 Broadway. Q. Where is 820 located? A. About three doors south of Twelfth Street.

Q. On which side? A. On the east side of Broadway. Q. How is it occupied? A. It is occupied as toy store on the first floor. Q. Who is your tenant occupying that toy store? A. Louis P. Tibballs. Q. The second floor is occupied by what? A. A tailor; John R. Powell; the third and fourth floors

are occupied by an electric manufacturing company; 3476
 the top floor is a dwelling. Q. You have been familiar with that property for how many years? A. Thirty years, I suppose. Q. You are familiar with Broadway and with the character of the travel on it? A. Yes, sir. Q. You are familiar generally with the character of the buildings on Broadway? A. Yes, sir. Q. And the rental value? A. Yes, sir. Q. In different places? A. Yes, sir. Q. In your opinion, would the construction and operation of a horse-railroad on the surface of Broadway between the Battery and Fourteenth Street improve or depreciate the value of property? A. I think it would improve it.

Commissioner Harris: We will take it subject to Mr. Beaman's objections, and his right to move to 3477 strike it out.

Exception taken by Mr. Beaman.

Q. In your opinion, would the construction of a railroad on Broadway tend to obstruct or cause any greater obstruction to Broadway than now exists? A. No, sir. Q. In your opinion, would there be the slightest difficulty in operating a railroad on Broadway between the Battery and Fourteenth Street? A. I should think not. Q. You are the owner of property elsewhere in the City of New York, are you not? A. Yes, sir. Q. Are you the owner of any property adjacent to any street railroad in which you are likewise interested, and were you before that railroad was constructed? A. Yes, sir. Q. Where is that property located? A. Eleventh Street, 3478 between Broadway and University Place. Q. You owned that before the Broadway and Seventh Avenue Railroad Company laid their rails? A. Yes, sir; we owned that since 1846. Q. What effect did the construction and operation of that railroad have on your property in Eleventh Street? A. It increased it. Q. Largely? A. Yes, sir.

Mr. Beaman: I move to strike out the testimony of this witness as incompetent, as not in rebuttal and as cumulative.

Motion denied; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman:

Q. What is your business? A. Renting Broadway real estate; my own and my uncle's. Q. What is the name of your uncle? A. My uncle is dead;

3479 John Morss ; I am his executor. Q. This building, No. 820 Broadway, is owned by whom ? A. He left it to his heirs—his nephews and nieces ; I am one of his nephews. Q. How long did he own it ? A. Since 1846 ; my grandfather died ; he inherited it from my grandfather, John Morss. Q. Have any of your parties whom you represent ever sold any property on Broadway ? A. Yes, sir ; sold that house.

Q. When did he sell it ? A. About 20 years ago, the lot. Q. Who did he sell it to ? A. To a man by the name of Schubert. Q. For how much money ? A. \$80,000. Q. When did you buy it back again ? A. We had a mortgage on it for \$60,000, and we foreclosed the mortgage in 1876 ; I foreclosed the mortgage myself after he died ; we bought it in, with the house and all on it, for \$90,000. Q. What does it rent for now ? A. \$6,900 ; it used to rent for \$15,000. Q. When did it rent for \$15,000 ? A. Twenty odd years ago. Q. Was any horse railroad running up and down Broadway then ? A. No, sir ; I think not ; I don't think there is any now. Q. There is none now ? A. I think not. Q. Is the building rented now under lease, or from year to year ? A. The leases all expire. Q. When ? A. This May. Q. Have you made any attempt to rent it for a long term ? A. Yes, sir. Q. What do you ask for it ? A. We agreed to rent it for the same rent this year for one year. Q. How long has it been renting for this particular rent ? A. Five years. Q. Then the rent has been unchanged for five years ? A. Yes, sir. Q. You are going to rent it another year at the same rate ? A. Yes, sir ; I will. Q. Are the parties going to rent it ? A. I don't know whether they are going to take it or not ; one of the tenants is here now ; another one is coming, too. Q. Which one ? A. The tailor on the second floor. Q. Is it your judgment that Broadway is not as good a place as it used to be for tailors ? A. Yes, sir. Q. Why ? A. There is not the travel down there. Q. What has become of it ? A. I don't know where it has gone to, but it is certainly not there. Q. There are more people in the City of New York, are there not ? A. That may be, but they don't travel down there. Q. You don't know where it has gone to ? A. I do not. Q. Where have the tailors gone ? A. On Broadway, up above. Q. A lot of them are on Fifth Avenue, are they not ? A. Some of them.

Q. They have moved up town? A. Moved up town. 3482

Q. Do you notice any tendency in business to move up town? A. Yes, sir; I think there is a slight tendency to move up. Q. What kind of business is moving up town? A. All kinds of business. Q. What causes that tendency? A. I suppose from Broadway, where we have our house—I suppose it is because business is slack there; that is the only reason I can give for it. Q. Why is it slack there? A. No travel. Q. How is it down where we are, in Chambers Street—is there travel here? A. Yes, sir; I think there is more travel here than up there. Q. Then you think a horse railroad will help your property there, do you? A. Yes, sir; I do. Q. How much do you think it will improve it in value? A. 33 per cent. Q. Within how long a time? A. In less than five years. Q. How much would it increase the rental value—in the same proportion? A. I suppose so; not right away. Q. Suppose a man had a lease of that property, would it help him? A. I think it would. Q. Why? A. I think it would bring more people there, and he would have more facilities to sell his goods; in Forty-second Street, where we have two houses, between Seventh and Eighth Avenues, we have been offered \$25,000, and since the railroad has been there we have been offered \$35,000, so I think the railroad helps us. 3483

Q. Are they dwelling-houses? A. No, sir. Q. They are not stores, are they? A. No, sir; they are what I call shanties; the lots are the only value; there is no intrinsic value to the buildings whatever. 3484
Q. What are they going to build there? A. I suppose flats or houses or something of that kind. Q. There are no dwelling-houses below Fourteenth Street on Broadway, are there? A. Not that I know of. Q. Do you own any property below 820 Broadway? A. My aunts own 818 and 816. Q. You think this Broadway railroad will help you, do you? A. Yes, sir; I do. Q. How far down Broadway do you think it will improve the value of property? A. I think it will bring the retail trade down as far as Spring Street; may be down to Broome Street and along there. Q. Not lower than that? A. I think it will help it all the way down; but I think it will improve it more from Broome Street up to Fourteenth Street than below here. Q. You think the retail trade will come there? A. Yes, sir. Q. Where from? A. From other parts of the city; new parties

3485 will come in ; the country is increasing, and I suppose new men will go into business ; the rents are pretty high on Broadway and Twenty-third Street up above there, and we may draw them down there because we can rent cheaper than they get up above. Q: That is all you are after, to coax people down there ? A. All I am after is to benefit my property ; that is all I am looking out for all the time.

By Mr. Scribner :

Q. Do you know of any business street in New York that has been injured by the construction of a street railroad ? A. I do not. Q. Do you know of any business street in which a horse-railroad has been constructed in which the value of the property
3486 has not been improved ? A. No, sir ; I do not. Q. What do you say is the difference in value of your property on Forty-second Street in consequence of the construction of the Forty-second Street road recently ? A. We were offered \$25,000 for those two lots recently of 50x100 ; the other day a man came and said he would give \$35,000 ; and the railroad has not been running six months.

By Mr. Beaman :

Q. Who was that man ? A. A neighbor that lives there. Q. What is his name ? A. McMillan ; Samuel McMillan ; a builder in Forty-second Street, between Eighth and Ninth Avenues. Q. Do you know
3487 Mr. Jacob Sharp ? A. I know him by sight. Q. Which is he ? A. I think that is the gentleman there (indicating). Q. Have you ever spoken to him ? A. Never in my life ; he don't know me. Q. Do you own any stock in any horse-railroad ? A. No, sir. Q. How did you come to testify here to-day ? A. I have been always favorable to a Broadway railroad, and have signed a petition two or three times for it, and signed for the Forty-second Street road. Q. You signed for a cable-road, did you ? A. No, sir ; I am opposed to a cable-road. Q. Who occupies 818 Broadway ? A. I think Mr. Appleby. Q. What is his business ? A. A club-house, I think. Q. You mean a gambling-house ? A. I never was in it. Q. How long has it been occupied for that purpose ? A. I guess a good many years ; 15 or 16 years. Q. Does not the fact that that building is occupied for what you call a club-house, hurt your property ? A.

I don't think it does ; I don't think they interfere 3488
with our business whatever.

Q. Does it help your rent, or increase it? A. I don't know that it does. Q. You don't care what is in the other house, do you? A. No, sir ; I never heard anybody make any objection to the house whatever. Q. What is on the other side of 820? A. I think they let that building out for offices ; they did ; I don't know what they do now. Q. There is no wholesale business in that building? A. No, sir. Q. Is there much wholesale business between your store, No. 820, and Fourteenth Street, on either side of the street? A. I don't think there is. Q. It is mostly retail? A. Yes, sir. Q. You think all that property on each side above you will be benefited? A. Yes, sir ; I do. Q. It will benefit 3489 both the tenants and the landlords? A. Yes, sir. Q. It will be a kind of boom? A. Yes, sir ; after a while. Q. Would it help you just as much if the road stopped at Canal Street? A. No ; I don't think it would ; I think if you fetch people from the Battery and South Ferry—all the Brooklyn people to our folks— Q. Would they not come up to that fine toy store on the corner of Fourteenth Street? A. They might, some of them, go there and some to our store. Q. Could they not get to Twenty-third Street by the elevated road quicker, and get off there and buy the toys there? A. By the elevated road? Q. Yes. A. I suppose they could if they chose. Q. Do you not suppose they would go that way? A. I don't think there are many shopping 3490 ladies go on the elevated roads ; I think most of them go by the horse-cars ; I know I ride all the time in horse-cars in preference to the elevated road. Q. How did you come down here? A. In a stage. Q. Where did you take the stage? A. 820 Broadway ; and it took me half an hour to come down. Q. How did you get to 820 Broadway? A. I took the horse-cars from Forty-second Street. Q. To get down there? A. Yes, sir ; I got out at Eleventh Street. Q. What time of day did you come down? A. I left there half-past eleven and got here five minutes past twelve. Q. It took 35 minutes? A. Yes, sir. Q. Why did it take so long? A. They kept jogging along and shaking around and stopping ; I timed myself yesterday morning from Brooklyn up ; I got in the Fifth Avenue stage, and it took me 45 minutes to go up then. Q. How far is it from here

- 3491 to your place? A. About two miles, I think. Q. How long would it take you to walk? A. I guess about as fast as the stages go. Q. Quicker? A. Perhaps I could. Q. Was Broadway any crowded at all? A. No, sir; I didn't see it crowded at all. Q. You didn't see any crowd at all? A. No, sir; I didn't. Q. You say the ordinary time— A. It was pretty slippery for the horses; I noticed the horses slipped pretty badly. Q. It would be hard for the horse-cars then? A. Not if they sand the track, which they generally do. Q. But suppose they do not? A. If they made it all an ice-pond I suppose it would be very bad; if they ran the sand car I suppose it would be pretty good footing; I always drive on the horse-car track. Q. How long would it take on an ordinary day to come from 820
- 3492 Broadway to this building? A. I don't know; I suppose I could drive my mare down in 15 minutes. Q. You have a nice mare, have you? A. Not very nice. Q. How long does it take an omnibus to come down? A. A good while. Q. How long? A. Half an hour; every time I ride down it takes half an hour; I told Andrews, I told him I thought I had been across the continent one day when I rode up; I thought I had been over to San Francisco. Q. You never exaggerate anything, do you? A. No, sir.

By Mr. Scribner :

- 3493 Q. Are the stages very much slower than the horse-cars? A. I think they are; that is my opinion. Q. In your opinion, is there a public demand for a railroad on Broadway? A. I think there is. Q. You are accustomed to driving your own wagon? A. Yes, sir. Q. In driving your wagon about town do you seek the car lines or avoid them? A. No, sir; I drive in a car track all the time. Q. By preference? A. By preference.

By Mr. Beaman :

- Q. The old mare likes it that way better? A. Yes, sir, she does all the time; when it is slippery I do it. Q. You think car-tracks are the best for all kinds of vehicles, whether loaded or light? A. I think a vehicle runs easier in the track than on the stones. Q. You always prefer it? A. I do; I always drive down Broadway as far as Fourteenth Street. Q. Why don't you come down Church

Street or University Place? suppose you were at 3494
 Fourteenth Street, as I understand it, you would
 drive down University Place and Church Street
 rather than down Broadway? A. No, sir; I gen-
 erally go down Third or Fourth Avenue; that is my
 route mostly. Q. Do you think you are like most
 people in that respect? A. I don't know; other
 people can drive where they like. Q. You don't
 own any stock in a horse railroad? A. Not a cent.
 Q. How many horses have you got? A. I have
 got one.

LOUIS P. TIBBALLS, called as witness on behalf
 the Broadway Surface Railroad Company, being
 duly sworn, testified as follows :

3495

By Mr. Scribner :

Q. Do you reside in New York? A. Yes, sir. Q.
 Whereabouts? A. 27 West Eighteenth Street. Q.
 How long have you lived in New York? A. Forty
 years. Q. Are you engaged in business in New
 York? A. Yes, sir. Q. Where is your place of
 business? A. 820 Broadway. Q. You are a tenant
 of the store owned by Mr. Bennett who has just tes-
 tified? A. Yes, sir. Q. How long have you been
 engaged in business at that store? A. Nine years.
 Q. What is your business? A. Toys. Q. How
 long have you been engaged in business on Broad-
 way at 820 or elsewhere? A. Twenty-five years. 3496
 Q. Whereabouts on Broadway were you previously
 located? A. 512. Q. And, 512 is in what part of
 Broadway between what streets? A. Between
 Broome and Spring; also, at 476 and 478. Q. You
 are familiar with the whole length of Broadway?
 A. Yes, sir. Q. You are familiar with the character
 of travel on it? A. Yes, sir. Q. And with the
 number of vehicles ordinarily traveling on Broad-
 way? A. Yes, sir. Q. And the number of peo-
 ple ordinarily on Broadway? A. As to the exact
 numbers— Q. I mean you have a general idea
 about it? A. Yes, sir. Q. In consequence of your
 twenty-five years business on Broadway? A. Yes,
 sir. Q. In your opinion would there be any diffi-
 culty in operating a street railroad on Broadway
 between the Battery and Fourteenth Street?

Mr. Beaman : I object to the question as incom-

3437 petent, as not in rebuttal and as merely cumulative :
and I ask that my objection be considered as made
to all the testimony of this witness.

Objection overruled ; exception taken by Mr.
Beaman.

A. Not in the least. Q. In your opinion is there a
public demand and a public necessity for the con-
struction and operation of a street railroad on
Broadway ? A. There has been for several years.
Q. In your opinion would the construction and
operation of a street railroad on Broadway between
the Battery and Fourteenth St. improve the rental
value of property ? A. I think it would. Q. In
your opinion has there been an appreciation or de-
preciation of real estate on Broadway in the neigh-
3498 borhood of where you do business within the last
ten years ? A. I think there has been a deprecia-
tion. Q. Will you tell the Commissioners if you
please, what in your opinion the depreciation is
attributable to ? A. Because we are isolated. Q.
You are isolated for what reason ? A. Because of
cars running east and west of us. Q. And because
no cars run on Broadway ? A. Yes, sir. Q. There
are stage lines running on Broadway, are there not ?
A. Yes sir. Q. What are the objections to stage
lines, if any ? A. In my opinion they are about
forty years behind the age. Q. How do they com-
pare with the ordinary street-cars with respect to
speed ? A. I think the street-cars would beat them
3499 50 per cent.

Q. How do they compare with street cars as to
comfort ? A. I tell my sister not to get in and out
of them because they have a step-ladder. Q. They
are so constructed that you think they ought to re-
quire a step-ladder to get in and out ? A. They are
dangerous to get in and out. Q. In your opinion
are stages very objectionable to shoppers ? A. I
think they are.

Mr. Beaman : I move to strike out the testimony
of this witness as incompetent, as not rebuttal and
as cumulative.

Motion denied. Exception taken by Mr.
Beaman.

Cross-examination by Mr. Beaman :

Q. Did you notice any falling off in your business ?
A. Yes, sir. Q. Has not the general toy business

in the City of New York very much increased in the 3500
last ten years? A. Yes, sir; I think it has. Q.
Who are the principal toy merchants in New York,
the retailers? A. Scharles Brothers. Q. Where are
they? A. Twenty-third Street. Q. Is there some-
body else on the corner of Fourteenth Street and
University Place? A. Near University Place. Q.
What is the name? A. I. Schwarts. Q. They are
larger dealers than you are? A. Yes, sir. Q. There
are plenty of places to get toys in New York be-
sides buying them of you? A. Not so great a
number. Q. People would go to you if they couldn't
get toys anywhere else, would they? A. I suppose
so. Q. Do you think of moving? A. No, sir. Q.
You are going to stay where you are? A. In view
of the railroad. Q. You are expecting a railroad? 3501
when do you expect to have a railroad? A. In the
course of six months. Q. Would you move if you
were not going to have the railroad? A. That is
according to what rent I would pay. Q. You would
stay at the same rent? A. As times are, yes; for
one year. Q. As times are; are times good or bad?
A. General trade is pretty dull; I don't know how
it is with lawyers. Q. How is it with you? A.
Trade is rather quiet at the present time. Q. Have
you noticed a falling off in business at your store in
Broadway since you have been there, in nine years?
A. It has fallen off since 1881. Q. Not before that?
A. No, sir. Q. You didn't notice any falling off un- 3502
til 1881? A. No, sir. Q. Had your business been
increasing all the time on Broadway until 1881? A.
Yes, sir. Q. How many years had you been there?
A. At the present location? Q. On Broadway?
A. Twenty-five years. Q. You had a steady in-
crease until 1881? A. Yes, sir. Q. What struck
you then? A. We had specialties up to 1881; since
then we have not. Q. What specialties? A. Pa-
tents. Q. Those have run out? A. No, sir; they
have been competed with. Q. But you have no
monopolies any more? A. No, sir. Q. Has any-
thing else hurt your business since 1881, except your
patents running out? A. Yes, sir. Q. What else?
A. The Broadway Railroad. Q. It has not hurt you
yet has it? A. I think it has. Q. It has hurt you?
A. The surface road has injured us; the Brooklyn

3503 trade, Staten Island trade, and Jersey City trade ride up University Place and Broadway.

Q. There was a surface railroad there long ago ? A. I believe there was. Q. Did it not hurt you before 1881 ? A. I think it did—our general toy trade. Q. It has been hurting you ever since you have been on Broadway, has it not ? A. I couldn't say that it hurt us up to 1875. Q. Why didn't it hurt you before that ; you never have had any horse-car line on Broadway ? A. The elevated roads took away trade. Q. Did they begin in 1875 ? A. I don't know what year. Q. Have you noticed that the elevated road hurt your trade a good deal ? A. I think they did ; they took it to Sixth Avenue and elsewhere. Q. That is your opinion about it.

3504 A. Yes, sir ; on Broadway. Q. If you were going to locate again you would not locate on Broadway even with the horse-car there, would you ? A. I think I would. Q. You think you would because of the Broadway road ? A. As far as our lady customers are concerned, and our customers are mostly ladies. Q. Where do they come from ? A. All over. Q. All over the city ? A. Yes, sir. Q. Is your business all retail ? A. Mostly retail. Q. In your judgment would the horse railroad on Broadway help the property on both sides of Broadway above you ? A. As far as Fourteenth Street. Q. How far down would it help it ? A. How far down would it help us ? Q. How far down Broadway would it help the property ? A. All the way. Q. All the way to the Battery ? A. Yes, sir. Q. Would it help the rental values ? A. I think it would. Q. Would it be of value to people who had leases ? A. Yes, sir. Q. If you had a lease of that building for ten years would you want a railroad on Broadway ? A. Yes, sir. Q. Why ? A. For the very reason that it gives me trade ; I haven't the least doubt of it. Q. You have no doubt of that ? A. I have no doubt of it. Q. Where do you unload and load your goods ; on Broadway ? A. Yes, sir. Q. How wide is Broadway where you are ? A. I couldn't tell you ; I think it is forty feet. Q. How heavy are any of your articles ? A. One hundred and fifty pounds. Q. What is the heaviest thing you sell ? A. Large hobby-horses ; we load and unload iron. Q. On Broadway ? A. Yes, sir.

Q. Where does it come from? A. Still lower; it 3506
comes from Newark. Q. It is trucked up and down
Broadway? A. Yes, sir. Q. You have to back up
against the curb and load and unload it? A. Yes,
sir; there is plenty of room for cars, though. Q. Do
you know how long the trucks are? A. An ordi-
nary truck. Q. Do you know how much time the
cars are going to take? A. I can only judge from
other streets. Q. How many more people do you
think would ride up and down Broadway in cars
than now ride up and down in omnibuses? A. Four
times at the least; I never get in a stage if it is
a possible thing to avoid it. Q. And your sister
never does, if she minds you? A. No, sir. Q. Where
do you live? A. Eighteenth Street; we are both 3507
good walkers. Q. You believe that is healthy.
A. That is my style; if I have to come here from
my store I would prefer to walk any time.

Q. How did you come down to-day? A. Footed
it. Q. How long did it take you? A. I did not
time myself; but I think the stage did not beat me
more than a block—and two stages were racing at
that. Q. That stage that Mr. Bennett was in you
did not see? A. Mr. Bennett is a pretty good
timer, I have noticed. Q. He comes around at rent
time? A. He is pretty liberal so far as that is cou-
cerned. Q. Would you have got into a horse-car
instead of walking this morning? A. Yes, sir. Q.
And so you would have hurt your health? I gen- 3508
erally take my three miles; that is my constitu-
tional, after business hours. Q. You think every
man should do that? A. I think so, and a good
cold water bath in the morning. Q. And every
lady; how much should she walk? A. I am not a
judge, being a single man.

By Mr. Scribner :

Q. You spoke of the width of Broadway as forty
feet; do you mean the carriageway? A. The car-
riageway; it might be thirty-five; that is only a
Yankee guess.

By Mr. Beaman :

Q. Where were you born? A. Connecticut. Q.
You are a neighbor of Mr. Shumway? A. I am priv-
ileged to guess, being a Yankee.

3509 MATTHEW KANE, called as a witness on behalf of the Broadway Surface Railroad Company, being duly sworn, testified as follows:

By Mr. Scribner:

Q. You are an old resident of New York, are you not? A. Yes, sir. Q. Where were you born? A. New York. Q. What street? A. Vandam Street. Q. You have lived in New York how many years? A. There are no ladies here—I am going on sixty-seven years. Q. Are you a large real estate owner in New York? A. Yes, sir. Q. Where is your property mostly situated? A. In the Ninth and Sixteenth wards. Q. Do you pay taxes on that real estate every year? A. Yes, sir. Q. What is the average amount of taxes you pay on your real estate? A. Between three and four thousand; about \$3,700, I think. Q. You have been familiar with Broadway during the sixty-seven years you have resided in New York? A. Since I was a small boy; I used to come here to keep 4th of July on this ground. Q. You are familiar with the character of the travel on Broadway? A. Yes, sir. Q. With the ordinary character of the vehicles which use Broadway? A. Yes, sir. Q. You have lived in New York since the first railroad was constructed? A. Yes, sir. Q. And long before that? A. Yes, sir. Q. Do you know of any street in which a street
3510 railroad has ever been constructed—any business street—in which the value of property has been impaired? A. I know of not one; I don't know of any street but what it has raised the value of property.

Q. Because of the street railroad? A. Not, one. Q. You have seen this city grow up from a comparatively small city to a very large city, have you not? A. Yes, sir; I recollect when this city was half farms. Q. In your opinion, is the large increase in the growth of the city attributable in any manner to street railroads. A. It has been the salvation of New York; take the Third Avenue, for instance; take the Eighth Avenue, take the Sixth Avenue, take the Ninth Avenue; to-day the Ninth Avenue is running up to Harlem River; they are forced to go; and Vanderbilt is just commencing sending his Madison Avenue line up to the river; why? because

the people want facilities to travel up and down in this narrow island. Q. In your opinion, is there a demand and public necessity for the construction and operation of a surface railroad on Broadway between the Battery and Fourteenth Street? A. Very decidedly. 3512

Mr. Beaman : I object to this evidence as incompetent, as not rebuttal, and as cumulative; and I ask that the same objection may be considered as made to all the testimony of this witness.

Objection overruled; exception taken by *Mr. Beaman*.

Q. In your opinion, would there be any difficulty in operating a railroad between the Battery and Fourteenth Street. A. No, sir; I think it would be a help. Q. Does your mind go back to the period of about twenty years ago, when there were more stages running on Broadway than there are now? A. Yes, sir. Q. At that time were the blockades in Broadway, the obstruction and stoppages of vehicles, more frequent or less frequent than they are now? A. More. Q. Did the withdrawal of the stages from Broadway tend to relieve Broadway largely? A. Certainly; yes, sir. Q. Are the Broadway stages, in your opinion, the great source of obstruction of Broadway at the present day? A. I can't go as far as that, to say they are the great obstruction of Broadway; but certainly five-eighths of the tendency runs in that quarter. Q. You have seen stages and you know that they diverge from their path and go from one side of the road to the other to take in or let ont passengers? A. Yes, sir. Q. Does that have a tendency to obstruct the travel? A. Decidedly; and not only obstruct the travel but make the blockades. Q. It is things of that kind that cause blockades in the street? A. Yes, sir. Q. Could anything of that kind occur with street cars running on fixed iron rails in the centre of the street? A. No, sir. Q. For how long a time in your opinion, has there been a public demand and public necessity for a railroad on Broadway? A. I have felt as a New Yorker, and having a proud idea of my city—I have always felt that Broadway has always needed a railroad for this reason, the people don't live now, you may say, below Canal Street; I recollect when I was a boy that the wealthy people of 3514

3515 New York City lived all around Bowling Green and Greenwich Street, and so up to in this neighborhood. They kept moving up town and the business coming down, coming into the lower part of the city ; I have felt that the people want a way to go up and down Broadway ; for instance, if I want to go to Canal Street which way would I go ? I must admit—I suppose there are some stage men here—that I would be afraid to get up into a stage because of getting up and getting out and the pulling of the straps, and because you are apt to slip ; I have known companies to pay heavy damages for passengers slipping off into the street ; railroads are coming in, the stages are giving way ; I have a large family of
 3516 daughters ; they will not get into a stage if it is in any way possible to avoid it ; I have tutored them not to get into a stage, but they can get into a car ; if I want to go to Canal Street I slip down here and take the surface road and go to Canal Street ; I would walk or go in the car ; that is the general tendency.

Q. In your opinion are the street-cars a much more comfortable vehicle than the stages ? A. Decidedly so. Q. In your opinion do they accommodate a much larger number of people ? A. Yes, sir. Q. In your opinion do they accommodate ladies much better than the stages do ? A. Decidedly A. In your opinion do they accommodate elderly people and people who are not very active better than the
 3517 stages ? A. Decidedly ; a man—I was going to say a man older than myself, but I don't know as you want to be much older, would not want to get into a stage if he considered his own life ; he might have to get into them, but I say to such men they cannot get in and out of the stage like the cars ; that is why I say the stages are behind the age. Q. Will you please tell us whether the 210 stages that are now running on Broadway are a greater or less obstruction than fifty cars would be running on Broadway between the Battery and Fourteenth Street ? A. I don't think there would be the same obstruction if they ran a stage for a car. Q. That is, you think that a single car is no more of an obstruction to Broadway than a single stage would be ? A. No, sir ; it ain't as much.

Mr. Beaman : I move to strike out the testimony

of this witness as incompetent, as not in rebuttal, 3518
and as cumulative.

Motion denied; exception taken by Mr.
Beaman.

Cross-examination by Mr. Beaman :

Q. Do you think there was ever a time when the Broadway railroad was so much needed as now? A. Not before. Q. You think it would do more good now than ever before? A. At the present time it would do all the good it could, but it would have done more if it had been here five years before. Q. Then it is not needed so much now as it was before? A. Yes, sir, much more; because it would try to infuse new blood into it. Q. What part of Broadway has old 3519 blood in it and wants new blood? A. I think if any gentleman walks Broadway that is a resident of the city he need not walk far to see it; take it from Canal Street say up to Eighth Street, what more desolate place do you want to see than Broadway? that is known throughout this country; there ain't a bigger blight in the city than Broadway to-day from Fulton Street to Bleecker Street; look at the business that has left Broadway. Q. From Fulton Street; do you mean Fulton? A. You can go further than Fulton; you might go to Bowling Green. Q. All the way down? A. All the way down. Q. All desolate? A. It is literally drying up. Q. How long has it been so? A. It has been going on for 3520 four or five years; since the elevated road and these other parallel roads have been accommodating people. Q. It is all desolation? A. It ain't desolation, but it is a shrinking; you can see it; a man can see it the same as a man who owns a house. Q. What do you think would happen to Broadway in ten years if Broadway had no horse railroad? A. I don't know what would become of it.

Q. Do you own any property on Broadway? A. No, sir; I do not. Q. Or anywhere near it? A. No, sir; my property lies in the ninth ward. Q. Where is that, generally? A. Thirteenth Street, Fourth Street, Jayne Street, Horatio Street—and I want to say to you, gentlemen, that there is a railroad now going through Fourteenth Street which starts from Christopher Street Ferry and goes over to Union Square only, and it has increased the prop-

3521 erty in that neighborhood; most of my tenants—I have one hundred and forty-five tenants, but they don't want to move, because they can slip across-town and go down-town and anywhere else they want to. Q. Is your property mostly tenement house property? A. Tenement house property. Q. How many rooms to a tenant? A. Five. Q. No flat houses? A. No, sir. Q. They are strictly tenement house property? A. Tenement houses; and I am proud of them. Q. The better the man who owns tenement house property, the better the tenement; I want to know what kind of an expert you are; now, do you think Broadway from the Battery to Fourteenth Street will be built up with tenement house property, if you don't have a railway in it? 3522 A. No, sir; it will bring business; this city—I recollect when it had about 500,000 inhabitants; now we have got up—I suppose in some hours of the day this city has nearly two millions; that seems to be strange, but if you go and watch the ferries and the bridge and the elevated roads, you can see how this city is growing; and if you don't give the facilities for the people to travel, they will seek where they are. Q. You don't think we can stop the growth of the city in any way by keeping the railroads off of Broadway? It will only affect that property? A. It will stop the growth here, however. Q. The rest of the city is bound to grow, is it not? A. It will all grow. Q. Which do you think has the most to 3523 do with the success of New York: The horse-cars in it, or the fact that there is a great harbor here and two rivers? A. I presume—I recollect—— Q. Just answer that question? A. I only want to take you back.

Mr. Beaman : I don't want to be taken back.

The Witness : We crawl before we walk; now the stages have accomplished something for the city; now the surface cars; the surface cars did not supply the wants of the city and then came the elevated railroads; so we are progressing onward; we don't want to go back. Q. You think we will get rid of the horse railroads by and bye, do you? A. No, sir. Q. Never? A. No, sir. Q. That, in your idea, is the highest possible thing we can have? Now, which in your judgment has contributed the most to the success and prosperity of New York: The fact that

it has horse railroads in it, or the fact that it is a city such as it is with a great river and a splendid harbor? A. I would say that the surface roads have done their share towards it. Q. Have they not done more on the whole than all the rest? A. No; it would be preposterous to say that, because the cars could not sustain themselves until the people came here to fill them. Q. What brought the people here? A. Business and the facilities of doing business. Q. Is anything that interrupts the commercial business of New York of great importance or a great damage to it in your judgment? A. It is.

Q. Would it not be a great damage to New York to fill up the harbor? A. We certainly are doing it. Q. That is a great damage, is it not? A. Yes, sir. Q. To fill up an inch or two; every inch counts? A. Yes, sir. Q. Is it not a great damage to do anything that obstructs the general commercial business of the City of New York, in your judgment? A. It certainly is.

By Mr. Scribner :

Q. How many houses do you own? A. I own nineteen.

By Mr. Beaman :

Q. Do you say that the value of property on Centre Street has been improved by having a horse railroad in it? A. It may not show itself on the face. Q. Where does it show itself? A. It shows it by a man having a chance to get there to do business. Q. It has not shown itself in any way that anybody knows of, has it? A. I don't know; I don't know that Centre Street is in some respect as bad as it was when I was young. Q. My question is whether in your opinion property on Centre Street has been improved by having a horse railroad in it. A. If it has not been improved just at that one point it has been improved around it. Q. Will you answer my question? A. I couldn't answer that, for I don't own any property there. Q. Do you know anything as to the value of property in Centre Street? A. No, sir. Q. You cannot answer because you don't own property there; is that the reason?

3527 A. There are two or three things there that will always keep that property from rising or being benefitted—the Tombs and the depot of the Harlem road. Q. There are plenty of horse-cars there, are there not? A. The cars go down by it. A. Has not, in your opinion, the value of property on Centre Street been much damaged and diminished since horse-cars were put there? A. I don't think so. Q. Do you know anything about East Broadway? A. I am not acquainted on that side. Q. There are horse-cars there? A. Yes, sir. Q. Has not the property on East Broadway been much damaged by having horse-cars there? A. It may be damaged by people not taking care of it, and seeing that it could be utilized for something else. Q. It has depreciated there very much? A. I do not know. 3528 Q. Do you remember when it was a very fashionable street, and property was much more valuable there than now? A. Yes, sir; and it was so with the lower part of Broadway. Q. Then the horse-cars haven't kept it from going down hill? A. Business will sometimes—and I must say from what I see in the papers that the owners of property on East Broadway could recover it if they would only keep it in such position as that people would live in it. Q. East Broadway has had horse-cars while Broadway has not? A. I don't care where the city railroad is; men may say that it does not help them, but it does indirectly help them. Q. But the property goes down just the same, whether it helps them or not? A. I have given you just the idea; they don't lay out the inducement to bring men to come there to keep it up. Q. You know as a matter of fact that there are streets in New York where there are horse railroads, and there have been for a long time, where property now is of less value than before the horse railroads were built? A. I do not. Q. You have no opinion as to whether property in East Broadway has diminished in value or not since the horse railroads were built? A. I have answered you by saying I am not acquainted with that, and by the newspapers we see that the owners of property—if they would only keep the property in proper order the people would stay there. 3529

Q. Property on Seventh Avenue between Tenth and Eighteenth Street has depreciated in value since

the horse-cars have been there? A. Certainly it has. Q. How about Bleecker Street? A. I should judge that the Bleecker Street property rents for as much as it did before there was a railroad in there; I think it exceeds it. Q. That is your opinion about Bleecker Street? A. Yes, sir. Q. Do you own any property there? A. No, sir. Q. Do you think Bleecker Street property is worth now, per square foot, more than when Mr. Stewart lived there? A. Yes, sir; I believe it would sell for more. Q. Do you think that horse-cars have made it so? A. It has helped to make it so. Q. Do you think the property on Bleecker Street would be worth as much if there was no horse railroad in it? A. No, sir; I do not. Q. Do you own any stock in horse railroad companies? A. No, sir. Q. You never have? A. I have. Q. What roads? A. This Church Street road. Q. When did you own it? A. I sold it out I think four or five years ago. Q. Was it not a good paying stock? A. Well, I could have made it a good paying stock when I was there, but others thought they had better do something else with it. Q. You differ from other people occasionally? A. Yes, sir. Q. And have to leave Boards of Directors and such things? A. I want to say when we commenced there, though, we didn't ride over about seven hundred a day, and we got so that we rode three thousand there. Q. How long ago was that? A. Just before I left the road—four or five years ago; I don't know what it is doing to-day. Q. How many more people do you think would ride on Broadway in horse-cars than now ride in omnibuses? A. How many would ride? Q. Yes? A. I believe ten times as much. Q. You think horse-cars would carry ten times as many people as the omnibuses? A. Yes, sir; I think they would. Q. You have thought of this omnibus and car question some? A. I have been an advocate of it for the last ten years; and had arguments with Mr. A. T. Stewart; I did his work, a portion of it, for seventeen years. Q. What kind of work did you do for him? A. House building. Q. You are a builder? A. Yes, sir; a portion of it; I did eight or nine of his stores around Church and Franklin. Q. And what brought those stores there? A. Because there are facilities; our city wants two hundred feet of road on the face of the

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3533 river; it is not done; where it is done it is made a nuisance. Q. What nuisance? A. Because it is a hard road to travel on; if there is a railroad here and you gentlemen see it—when they lay a track the trucks will go on to it, and the cars can pass them; I ride down West Broadway, where there are four lines running, and I have never seen a block there—I suppose I ride on an average about four times a week; I have never seen a block there to lose over fifteen to twenty minutes, until you get right to the corner of Chambers Street where it chokes up. Q. You have seen a good many blocks of less than fifteen or twenty minutes? A. The cars stand on the track and the carmen go across it; it is done by an ugly truckman or carman.

3534 Q. One or the other gets ugly, do they? A. He bucks right in for the purpose of obstructing the car. Q. That happens pretty often? A. No, sir; I ride there as I say about four times a week. Q. And you find a good deal of a crowd there? A. The fact is that it goes along smoother than Broadway goes. Q. Is there more of a crowd in Broadway than on West Broadway? A. They have as much trouble on West Broadway as on Broadway. Q. Do you not think that the policemen on the Broadway Squad do their duty in looking after travel? A. I have no complaint to find as I have seen; it is almost impossible where there are so many people sometimes
3535 crossing Broadway that one or two policemen can do all the duty. Q. There is too much for the few policemen who are there; you think there are not enough policemen on Broadway? A. I think there are fully enough policemen on Broadway, I think, so far as the citizens and tax-payers want them.

By Mr. Wickes :

Q. At what period did the travel increase on that railroad from 700 to 3,000? A. It would be in the mornings and evenings, and the travel through the day. Q. Within what period of the month did the daily travel increase from 700 to 3,000? A. It would be more in the Summer months than in the Winter. Q. When was it 700 and when did it grow to 3,000?

By Commissioner Harris :

Q. He wants to know how long a time it took you to create that increase? A. It took, I suppose, a

year. Q. About a year? A. Yes, sir; I didn't un- 3536
derstand the question; I thought you were going to
ask me something relating to the blockades on
Broadway.

By Mr. Scribner :

Q. Twenty years ago how were the blockades on
Broadway? A. Continuous, almost continuous. Q.
Lasting for some length of time. Q. Sometimes I
have seen them blocked when I have been on my own
business wagon for three-quarters of an hour at a
time. Q. Have you seen the vehicles standing in
inextricable confusion for hours? A. In a mass. Q.
At that time how many lines of stages were there
running on Broadway? A. I should judge maybe 3537
in the neighborhood of fourteen or fifteen lines, I
can't say. Q. Can you name those lines? A. I can
name a good many of the lines. Q. Name some of
those that were running twenty years ago or there-
abouts, that have since been withdrawn? A. The
Knickerbocker has been withdrawn, the Houston
Street line has been withdrawn, the Second Street
line has been withdrawn, the Empire line has been
withdrawn, the Broadway line has been withdrawn;
I think the Fourth Avenue line has been withdrawn.
Q. How about the East Broadway line? A. East
Broadway, Second Street line; I cannot tell all the
lines. Q. Those lines disappeared about the time that
the Broadway and Seventh Avenue railroad and the 3538
East Broadway railroad commenced running, did
they not? A. Yes, sir. Q. What was the effect of
the withdrawal of these stages from Broadway; did
it relieve Broadway? A. Certainly. Q. The crowds
and blocks are much less frequent now than they
used to be? A. Yes, sir. Q. There is really much
less travel in the shape of vehicles than there was
twenty years ago, is there not? A. Yes, sir.

By Mr. Beaman :

Q. There is more trucking in Broadway now than
ever before? A. No, sir.

Q. What has relieved it? A. Because the busi-
ness lays at the west side of Broadway, down
through Church Street, Thomas Street and Franklin
Street, and all along through there. Q. Your idea

3539 is there is no crowd on Broadway at all, now? No, sir; I don't say that; I am trying to give you the truth as near as I know it. Q. Has the opening of West Broadway and Church Street relieved Broadway considerably? A. The opening of all streets relieved Broadway. Q. And has it been the aim of the City, and of the citizens, so far as you know, to keep Broadway unobstructed and free, and keep it open for general travel; has it not been the aim of the city, or of all the improvements that have been made, to keep Broadway free and unobstructed from Fourteenth Street to the Battery for public uses? A. No, I do not think so.

3540 *By Mr. Scribner:*

Q. A gentleman reminds me that the Gansevoort market has been established within a few years past; do you remember about when that was? A. About three years ago. Q. You had something to do with getting that market established in its present location, had you not? A. Yes, sir. Q. What effect has that had to draw up to Gansevoort market a large mass of country vehicles and farmers' wagons that used to frequent Broadway? A. On the average for four months in the year about 900 wagons a day—market wagons. Q. 900 wagons that used to travel on Broadway go to Gansevoort market? A. Don't travel on Broadway; cross to

3541 go there.

By Mr. Beaman:

Q. Where is Gansevoort market? A. Between Thirteenth Street and Gansevoort Street. Q. Where do these wagons come from? A. Long Island and Jersey City, Jersey. Q. Did they formerly use Broadway? A. Used to use all these streets down here. Q. They go right across and go to the market from Long Island? A. Yes, sir; say, for instance, you carry on business, and they come right to your store, and put the goods in your store, and then go about their business; but they used to stand in the streets until eight o'clock, according to the law, and then all the butchers and grocerymen, of all kinds and descriptions, would come down and purchase their goods, and go; and that is what

caused this great crowd, a few years ago, at the foot 3542
of Broadway. Q. Do the people that go to the
market in Fulton Street and Washington market
use Broadway going to and from now? A. They
now go—yes, in traveling up home they do. Q.
What time of the day do they use it mostly? A.
They come down at three o'clock in the afternoon ;
some at three or four o'clock in the morning ; and
they go up about ten or eleven o'clock in the morn-
ing. Q. So that it is used to a considerable extent
by those people? A. It was the great bugbear
down here, in blocking; because there was a great
deal of wrangling about it; and West Washington
market—they were given notice a year ago to remove
their place; the Dock Department wanted that 3543
place to build their 200 foot road on; they have
not done it, and that is blockading down there; if
any of you gentlemen go down to the market you
can see the effect of it with the railroads, and like-
wise the people doing business in that section of the
city. Q. They are blocked then on those market
days more or less? A. Yes, sir.

By Mr. Scribner :

Q. That blocks down in West Street and not on
Broadway? A. They come up and travel on Broad-
way. Q. They don't make any blocks nowadays?
A. I don't know now ; I can't say because I am not
in business so as to be down to know what is going 3544
on. Q. You drive your own wagon? A. Not now.
Q. There was a time when you did? A. Yes, sir.
Q. Did you find the railroad tracks an obstruction
in driving your wagon? A. Always took it. Q.
You always took the railroad tracks from choice for
your business wagon? A. Yes, sir; and so it is
with all men that I know of.

By Mr. Beaman :

Q. Do you prefer a railroad street to drive on
rather than one where there is no railroad track?
A. If I had to drive in a street with a railroad I
would take the track; if I was going down to
Greenwood to-day I would take the track. Q. What
do you go to Greenwood for? A. I may take it
one of these days; I want to say this: what causes

3545 the people to go in a railroad is because they are on a straight line. Q. And it is because they are easier? A. Yes, sir; they are easier; I want to say in the matter of fires, I being an old fireman; I served eleven years and a half; I mean to say in the matter of turning off and on to the tracks, I have seen these fire engines come up a track.

Q. You mean the hand engines? A. No, sir; steam engines; hand engines have passed away; I have seen them come up, and when they come up to a car they slip out and run ahead of the car and get on again; because there is generally about a block and a half or two blocks distance between the cars; they work their passage up; in that way it helps them to get to the fire.

3546 *By Mr. Scribner :*

Q. Do you happen to know whether the steam engines in New York are purposely made with a gauge so that their wheels fit the track? A. That I don't know.

By Mr. Beaman :

3547 Q. You don't mean that you would rather, for driving purposes, have a horse-car track in the street than not to have one, do you? A. I have stated to you that if there was a track and I came down Broadway, I would take that rail. Q. But for your own driving purposes, would you rather have a track on Broadway than not? A. I suppose that almost any man that travels will take the finest street he can get to come down. Q. Is a street finer with a track or without a track? A. It is no detriment to travel. Q. The question is, which is the best street to drive in, one with a horse-car track or one without a horse-car track? A. I wouldn't give a toss of a copper. Q. You don't care? A. I don't care. Q. So far as you know, you would as leave drive in one as the other? A. For my preference I would rather have a car track in Broadway than not. Q. You wouldn't leave a street without a car track and take one where there was? A. I would rather see a horse-car track there; if there was one there I would go down there for my own safety. Q. You want to take those tracks for your own safety, do

you? A. Yes, sir; just as I told you, on account 3548
of other vehicles coming up and down; and if you
hold a stage, a stage has no more mercy on a light
wagon than, I was going to say, I have on a good
cigar.

By Commissioner Harris:

Q. Would a track on Broadway help to secure a
quiet funeral for Greenwood, in passing around; do
you think that would be any help? A. They are
getting so fashionable now—to go early in the
morning or else late at night to Greenwood.

CHARLES L. TIFFANY, called as a witness on be-
half of the Broadway Surface Railroad Company,
being duly sworn, testified as follows: 3549

By Mr. Scribner:

Q. How long have you resided in the City of New
York? A. About forty-seven years. Q. During
that time you have carried on the jewelry business
at different places in New York, have you not? A.
Yes, sir. Q. Your present place of business is
where? A. In Union Square, corner of Fifteenth
Street. Q. Your last previous place of business was
where? A. 550 Broadway. Q. And 550 Broadway
is located near what street? A. Between Prince
and Spring. Q. Your firm is what? A. Tiffany &
Company. Q. How many years were you located
down Broadway, near Spring Street? A. Twelve to 3550
fifteen years. Q. Previous to that was your place
of business likewise on Broadway? A. Yes, sir.
Q. So that you have been on Broadway, or in its
immediate vicinity, for a great many years? A.
Yes, sir; since 1837. Q. You are familiar with the
general character of business on Broadway? A.
Yes, sir. Q. And the general character of the trav-
el? A. Yes, sir. Q. And the general mode of
conveyance? A. Yes, sir. Q. In your opinion is
there, at the present time, a public demand and a
public necessity for a street railroad on Broadway,
between the Battery and Fourteenth Street?

Mr. Beaman: I object to this evidence as incom-
petent, as not in rebuttal, and as cumulative; and I
ask that this objection may be considered as made
to all the testimony of this witness.

Objection overruled; exception taken by Mr.
Beaman.

- 3551 A. It is my opinion that there should be one. Q. It is your opinion that there is a public demand and a public necessity for a railroad? A. Yes, sir. Q. Will you please tell the Commissioners what are your reasons for that opinion? A. That it will facilitate business, improve the value of property; those two occur to me. Q. Has there been a change and a depreciation in real estate on Broadway, south of Fourteenth Street, within your memory? A. I have no reason to know what the present price is, nor how high it has ever reached; so I cannot judge of that. Q. Could your firm afford to do business at your former location on Broadway, near Spring Street; could you afford now to do business down at that place, in the absence of any railroad on Broadway? A. I do not think we could make as much money as we could with a railroad there. Q. At your present place of business the Broadway and Seventh Avenue Railroad tracks pass your door, do they not? A. Yes, sir. Q. And they assist your customers in getting to your store and getting from it? A. Yes, sir; I think so. Q. In your opinion, do such facilities of travel improve the rental value of property where a railroad passes? A. It does.

Mr. Beaman: I move to strike out all the evidence of this witness, on the ground that it is incompetent, is not in rebuttal, and is cumulative.

Motion denied; exception taken by *Mr. Beaman*.

3553 *Cross-examination by Mr. Beaman*:

Q. Is your business carried on as a corporation, or as a firm? A. Corporation. Q. Do you own the property 550 Broadway? A. No, sir.

Q. You lease it? A. We lease it. Q. Where were you on Broadway before you were there? A. At the corner of Chambers Street and Broadway. Q. Is that where you began business? A. No, sir; corner of Warren Street and Broadway. Q. You moved from Warren Street first to the corner of Chambers, and then you moved from Chambers Street up? A. Yes, sir; one door from the corner of Warren Street, first. Q. Have you been anywhere else except on Broadway? A. Nowhere in business. Q. Have you ever owned any property on Broadway below Fourteenth Street? A. Never have. Q. And you do not now? A. No, sir. Q. How long did you carry on business on Broadway

when there was no horse-car line there? A. You 3554
asked me if I had ever owned any property on
Broadway? Q. Below Fourteenth Street? A. No,
sir. Q. During all this time you carried on busi-
ness on Broadway, below Fourteenth Street, there
was no horse-car railroad there? A. No, sir. Q.
You did not move to where you now are simply on
account of the fact that there is a horse railroad
there? A. Not for that fact; no, sir. Q. Why
have you continually been moving up town, from
one street to another, until you got to Union Square?
A. Because business has moved up town? Q. If
you were going to move to-day, would you go up
town or down town? A. I would go up town. Q.
How far up? A. That would be worthy of serious
consideration. Q. Would you go up as far as Forty- 3555
second Street? A. I do not know, indeed. Q.
Would you like to have your store just moved
bodily from where it is to the corner of Thirty-fourth
Street and Fifth Avenue. A. Well, for the next
two years, I would like to have it there; but, in
consideration of the fact that business would still
go up, I would go up. Q. Then you think, gen-
erally, as you have seen business, as you look at the
subject, that it is going up town? A. I think so.
Q. And the retail business is continually moving
up? A. Yes, sir. Q. The wholesale business push-
ing it; that is true of business, is it not; do you
see any reason whatever to think that this move-
ment is to change? A. No, sir; I cannot judge of
that any better than anybody else. Q. But you 3556
can judge as well as anybody else; you are an old
resident and an old merchant? A. I think it will
be many years before it goes above Madison Square.
Q. Before what goes above Madison Square? A.
Before the principal retail business goes above Madi-
son Square. Q. You think it is likely to hang on
between Fourteenth and Twenty-third Streets a good
deal? A. Yes, sir. Q. Do you think the retail
business will ever go down into Wall Street again?
A. That is a matter that I have never given any
consideration at all; it will not, in my day,
I am sure. Q. Do you think the retail business
can practically be held in Broadway below Four-
teenth Street, whether there are horse-cars or
not? A. No; my opinion is that it would not. Q.
Why could you not keep it there? A. The increase
of the city, the growth of the city, would naturally

3557 force it up. Q. What, in your judgment, is the great power contributing to the growth of New York City? A. There are so many things. Q. Name some of the principal ones? A. Its location—its having the start of all other cities, and being better situated for commerce than any other city. Q. Do you not think its commercial advantages are the great advantages it has over other cities? A. I think so.

Q. In front of your store, how far are the tracks from it, or in the neighborhood of your store? A. I do not know; I should think 25 or 30 feet; 25 feet, perhaps. Q. The car tracks are no source of obstruction to the vehicles stopping at your store, or to trucks backed up there, are they? A. No, sir; I used to suppose it would be a source of trouble, 3558 but experience shows that it is not.

Mr. Beaman: You used to think that 25 feet would bother you, but you found it does not.

By Mr. Scribner:

Q. Does the street railroad on Broadway—the existing street railroad—between Fourteenth and Thirty-fourth Streets contribute, in your opinion, to the prosperity of the merchants, the hotel-keepers, the places of amusements, and other places of business, on Broadway? A. Most decidedly.

By Mr. Beaman:

3559 Q. Do you think that a horse-railroad on Broadway, below Fourteenth Street, would bring back the theatres or the churches to Broadway below Fourteenth Street? A. No, sir; I think it would raise the value of property, however. Q. How would it have the effect of raising the value of property? A. I cannot tell; I do not know how it is between Fourteenth Street and Seventeenth Street and Twenty-third Street, but I think property has increased in value there; I used to be very much opposed to a railroad in Broadway; I have opposed it all my life; but, from what I have seen and what I know, I have been taught that I was in the wrong. Q. Do you know whether there is any present depreciation in the value of property on Broadway below Fourteenth Street? A. I have no opinion. Q. Do you come down town very often on Broadway? A. Not as often as I do down University Place. Q. How did

you come down to-day? A. The way I usually do 3560
almost every day, if I come down; I take the cars
down to Bleecker Street and then take the elevated
railroad. Q. You then take the elevated railroad at
Bleecker Street? A. Yes, sir. Q. Did you do that
to-day coming here? A. Yes, sir. Q. You do that
rather than take the horse-cars going right by your
door? A. They go right by my door. Q. But, rather
than take the horse-cars and keep right straight on
down town here to Barclay Street, you get out of the
horse-cars at Bleecker Street and get into the
elevated railroad and climb up those steps? A. Yes,
sir. Q. Why do you do that, instead of keeping on
with the horse-cars? A. Because I can do it quicker.
Q. Do the horse-cars go slow down in this part of
the city? A. Not where I am. Q. But how is it 3561
below Bleecker Street? A. I do not know; I do not
go there more than once or twice a year. Q. When
you are coming down to the City Hall or Wall
Street, you get into the elevated railroad at Bleecker
Street rather than to continue either by omnibus or
horse-cars? A. Generally; I would be sure to if I
was going to Wall Street.

By Mr. Scribner :

Q. Why do you not take the stage when you go
to Wall Street? A. Because that would be creep-
ing. Q. You take the horse-cars down to Bleecker
Street, and that is five cents fare? A. Yes, sir. Q.
You take the elevated road from Bleecker Street 3562
down, and that costs you ten cents? A. Yes, sir.
Q. That makes your fare cost you fifteen cents from
your place of business to Wall Street? A. Yes, sir.
Q. If there was a line of horse-cars running on
Broadway, between your store and Wall Street,
which ran for only five cents fare, would you ride in
the street-cars, or would you come down on the
elevated road then? A. That would depend upon
the rapidity of the line; if they were as fast as they
are between my store and Bleecker Street I should
take the surface road.

Q. You would take the surface road, and then
you would save ten cents? A. Yes, sir. Q. And a
gentleman to whom ten cents is a matter of conse-
quence—as it is not to you—would be benefited
largely by that decrease in the price of transporta-
tion, would he not? A. Yes, sir.

3563 *By Mr. Beaman :*

Q. You came down in this Broadway and Seventh Avenue Railroad to Bleecker Street to-day, as I understand? A. Yes, sir. Q. You knew where you were going when you started—to the corner of Chambers Street and Broadway; and rather than not keep on in that horse-car and save your money, you walked two blocks or more, on Bleecker Street, to the elevated road? A. It is a very short block in Bleecker Street to the railroad station. Q. It is one block, is it; you climb those stairs and wait for an elevated car to come along, and you get in and you come down here and get out at Chambers Street and walk from there up here; now, why do you do that rather than keep on in that horse-car? A. I went to Wall Street to-day. Q. You did not come
35 4 direct here? A. Not direct here; no, sir. Q. How did you come up from Wall Street to this place? A. I walked up; I walked a part of the way. Q. What other way did you come? A. I took a stage after I got within—it was so cold, and I have to be careful of my health; and I rode about two or three blocks. Q. Where did you get into the stage? A. I got in at the corner of Barclay Street, I think. Q. You rode to here? A. Yes, sir. Q. Was the stage full? A. No; very few.

By Mr. Scribner :

Q. In leaving your store, when you come down by the street cars, you usually go to Wall Street, do you not? A. Almost always; hardly a day goes
3565 by but I have to go to Wall Street. Q. And the car would land you at Barclay Street, and not at Wall Street? A. Yes, sir. Q. Do you not take the elevated road because the Rector Street station is nearer to Wall Street than the landing place of the horse-cars? A. That is one reason.

By Mr. Beaman :

Q. What was the other reasons? A. Because I can go quicker. Q. Take the omnibuses that are going past your store every day and the horse-cars that are going down to Barclay Street and the Astor House, which do you think gets there first, the omnibuses or the horse-cars, on the average? A. I should suppose the horse-cars a good deal. Q.

How much sooner? A. I do not know that; I should suppose they got there ten minutes sooner. Q. That is your idea about it? A. My idea; it is something I never thought of before. 3566

By Mr. Scribner :

Q. The horse-cars have a much longer route to travel than the stages, have they not. A. Yes, sir; they have. Q. They have a circuitous, zig-zag, roundabout route, and the stages have a direct route down Broadway? A. Yes, sir.

JOHN OAKLEY, called as a witness on behalf of the Broadway Surface Railroad Company, being duly sworn, testified as follows :

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By Mr. Scribner :

Q. How long have you been connected with the police force of New York? A. 13 years. Q. Are you now a member of the Broadway Squad? A. I am.

Q. What is your station on Broadway? A. I am stationed at the corner of Fifteenth Street, at present. Q. Fifteenth Street and Broadway? A. Yes, sir. Q. Have you been stationed on Broadway south of Fifteenth Street? A. Yes, sir; I have been all over Broadway. Q. At what particular points on Broadway, during your thirteen years of police service, have you been stationed? A. I was on Fulton Street, I have been on John Street, and I have been on Chambers Street; only for short periods—three or four months, however. Q. Within the thirteen years past? A. Yes, sir. Q. What part of Broadway, according to your experience, is the most crowded and obstructed? A. I think the lower part of Broadway is. Q. What part of lower Broadway? A. From Worth Street down to Fulton Street. Q. Between those two points, from Fulton to Worth Streets, including Fulton Street, is there any point that is more crowded than another? A. No, I do not think there is. Q. Just here where we are, and from here to Park Place, Broadway is a good deal wider than anywhere else, is it not? A. I think so. Q. It is wider here at Chambers Street? A. Yes, sir. Q. It varies a little when it gets below here? A. Yes, sir. Q. At Knox's corner, at the corner of Fulton Street, is it not rather a crowded 3568

3569 place? A. Yes, sir; it is. Q. Does your memory carry you back to twenty years ago, and to the condition of Broadway at that time, when other lines of stages were running that have since been withdrawn? A. That was before my connection with the force. Q. Were you living in New York then? A. Yes, sir. Q. According to your recollection, are blockades or obstructions on Broadway more or less frequent than twenty years ago? A. They are less now. Q. In your opinion, would there be any sort of difficulty in operating a street railroad on Broadway, between the Battery and Fourteenth Street?

Mr. Beaman: I object to this evidence as incompetent, as not in rebuttal, and as cumulative, and I desire it to be understood that this objection shall apply to all the evidence of this witness.

3570 Objection overruled; exception taken by Mr. Beaman.

A. I think not. Q. Not a bit of difficulty? A. I think not. Q. In your opinion, would the construction of a horse railroad on Broadway, with, say, fifty or seventy-five cars running on it, and the withdrawal of the 210 stages that are now running, tend to relieve Broadway or obstruct it more? A. I think it would relieve it. Q. In your opinion, would a single car operate as a more serious obstruction than a single stage? A. Not as much. Q. In your opinion, are not cars rather more manageable in a crowd, in consequence of their running without poles, than stages are? A. Yes, sir. Q. The long poles sticking out so far ahead of the stages are a great obstruction and a great inconvenience in extricating stages from a crowd, are they not? A. Yes, sir. Q. Do the stages frequently run crowded? A. They do mornings and nights, yes, sir.

Mr. Beaman: I move that the testimony of this witness be stricken out as incompetent, as not in rebuttal, and as cumulative.

Motion denied; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman:

Q. Were you subpoenaed to come here to-day? A. Yes, sir; I would not have been here if I had not been subpoenaed. Q. When did you receive the subpoena? A. Yesterday afternoon.

Q. Have you been on lower Broadway, stationed for any length of time below Fourteenth Street? A.

Not any longer than two or three months at a time. 3572

Q. How long is it since you have been down there?

A. That was ten years ago, I guess since I was down in the lower part of the city?

Q. How much have you been down here in all during the last ten years?

A. I guess I have done duty down in this part of the city about a year and a half.

Q. In ten years?

A. Yes, sir. Q. How long is it since you have been stationed down here at all?

A. In this part of the city?

Q. Yes, stationed here?

A. About six months ago I was down here for a day.

Q. Whereabouts?

Q. On the corner of Fulton Street?

Q. Is it your opinion that there is less travel through Fulton Street than there was ten years ago?

A. Yes, sir.

Q. Is there less travel up and down Broadway than there was ten years ago?

A. There is.

Q. Less travel of all kinds?

A. Of all kinds.

Q. Less vehicles?

A. Yes, sir.

Q. Less trucks and loaded teams?

A. Yes, sir.

Q. What has become of them?

A. There are other channels that have been opened; South Fifth Avenue and New Church Street; and then there is Chambers Street, or at least the Bridge crossing; a great many trucks pass that way that used to cross the Fulton Ferry; that relieves Broadway a good deal.

Q. Can you think of anything else?

A. A great deal of travel goes through West Broadway.

Q. Anything else?

A. Not that I can think of.

Q. Where are you stationed on Broadway, generally?

Q. On the corner of Fifteenth Street and Union Square now.

Q. Is the travel increasing or decreasing there?

A. I do not know as it is increasing any; it is about the same as it has been for the last six or seven years.

Q. What time of the year is Broadway most crowded?

A. About this season of the year; in the Fall and Winter.

Q. Just about this time?

A. Yes, sir.

Q. That is your opinion about it, is it?

A. Yes, sir.

Q. Do the trucks going up Fifteenth Street and Broadway, where you are, go on the tracks, or on the sides of the streets?

A. They usually follow the railroad tracks.

Q. They do that even there?

A. Yes, sir.

Q. Why do they do that, as you understand it?

A. There is better traveling on the railroad track.

Q. Why?

A. Because the railroad company keeps the tracks clear, and they also sand the track, and it makes a very good footing for the horses.

Q. How is it in the Summer time?

A. They usually take the street.

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- 3575 In the Summer time they prefer the street? A. They usually take the street; sometimes they follow the track too. Q. Which do you think they prefer in the Summer time, the street or the track? A. I do not know that they have any preference. Q. You find them crawling along the track a good deal, do you? A. Yes, sir. Q. Do those trucks stop the cars? A. No, sir; they don't seem to. Q. What proportion of the travel are trucks, where you are? A. It is mostly light wagons. Q. There is very little trucking there? A. There is not very much heavy trucking there. Q. Is there much trucking up South Fifth Avenue? A. I think there is. Q. Is there much up Fifth Avenue? A. There is round that neighborhood; round Fourteenth Street. Q.
- 3576 Is it your opinion that a horse-car track is an advantage to a loaded truck in a street? A. I don't think there is any difference.
- Q. You think one is as good as another, do you? A. Yes, sir. Q. Did you ever drive a truck? A. No, sir. Q. Or a vehicle of any kind? A. No, sir. Q. Do you think an omnibus is more likely to be stopped by an obstruction in Broadway than a horse-car is? A. I don't know as they are. Q. Do you not think a horse-car is more likely to be stopped than an omnibus? A. I don't think so. I think a car can get along through a crowded place as well as the stage. Q. Suppose something is broken down on the track, does not an omnibus have great facilities for getting along that the horse-car does not? Of course, they have an advantage there. Q. Then they can not get along as well as stages in such a case? A. No. Q. Do you not think cars are more likely to cause a blockade than omnibuses are? A. I don't think so. Q. Suppose something is on the track; the car has got to stop, has it not? A. Yes, sir. Q. If there was an omnibus right behind this obstruction, it could get out of the way of it? A. Yes, sir. Q. If there were three or four cars strung right behind each other and there was something on the track, on the street, there could be nothing pass between that and the cars, could there? A. They stop far enough to allow a team to pass between them. Q. They do not stop in long lines, you mean to say? A. No. Q. But if anything passes between the cars, and the street is blocked on the other side, there is no use in passing the cars then; that blocks the other side,

and it stops the trucks on the other side? A. No, 3578
they could get out of the way. Q. Then you have
never been anywhere where horse-cars have caused
any trouble? A. No, sir. Q. You never had any
experience with horse-car blocks at all? A. No,
sir.

By Mr. Scribner :

Q. What is your beat? A. I have from Fifteenth
to Seventeenth Street; I have two blocks. Q. And
they are on Broadway, and the Broadway and Sev-
enth Avenue cars have been running continually
ever since you have been located there? A. Yes,
sir. Q. Those cars run with regularity and des-
patch? A. Yes, sir, they do. Q. Carey's cross- 3579
town line (the Blue line) goes right through there
also? A. Yes, sir; three lines. Q. What is the
other line? A. Fourteenth Street; the Union
Square line. Q. That crosses Union Square where
you are? A. Yes, sir. Q. Then Cary's line, the
Blue line, going across town, runs up from Four-
teenth Street to Seventeenth Street? A. Yes, sir.
Q. And the Broadway and Seventh Avenue line
runs a separate line of cars, which they call the
Broome Street line? A. Yes, sir. Q. And all those
cars run without any disturbance to the street? A.
Yes, sir. Q. Broadway at Seventeenth Street is
the narrowest point that you know of on Broadway,
is it not? A. Yes, sir. Q. It is very narrow there?
A. Yes, sir. Q. Three lines of cars are running on 3580
it? A. Yes, sir. Q. And trucks use it? A. Yes,
sir. Q. You say that in your neighborhood light
wagons are the rule; do you mean merchants' de-
livery wagons? A. And grocery wagons. Q. Such
wagons as Arnold & Constable's and Lord & Tay-
lor's and such merchants as send out and deliver
goods? A. Yes, sir.

Q. Do you take cabs into consideration? A.
There are a good many cabs there. Q. And a great
many hackney carriages of all kinds? A. Yes, sir.
Q. Two-horse cabs and one-horse cabs? A. Yes, sir.
Q. On a day like this, when the streets are slippery,
do they ordinarily travel on the track? A. They
generally follow the track. Q. Do they generally
follow the track on such a day as this? A. Yes, sir.
Q. The track is generally in a good condition be-
tween the rails? A. Yes, sir. Q. It is well paved
and sanded? A. Yes, sir. Q. And is kept dry

5381 when the other streets are slippery? A. Yes, sir. Q. So far as you know, do not the people who drive wagons usually take to the track rather than go anywhere else? A. Yes, sir.

By Mr. Beaman :

Q. If they ride on the tracks, so far as they do ride on them, do they not interfere with the cars? A. Not at all. Q. You never saw that? A. No, sir. Q. Broadway is one hundred feet? A. Yes, sir; in that neighborhood. Q. And there is nothing except the Park and children and people in it? A. Yes, sir. Q. On the west side, there is nothing but fine retail stores? A. Yes, sir. Q. There is a great big, 3582 broad avenue, with plenty of room for cars to back up? A. Yes, sir.

By Mr. Scribner :

Q. How is it from Seventeenth Street up to Nineteenth Street? A. It is a pretty busy place. Q. It is very narrow there, is it not? A. Yes, sir. Q. It is very narrow and very busy? A. Yes, sir. Q. Have you noticed whether the fire-engine wheels are so gauged that they fit the tracks? A. I have never noticed. Q. Have you noticed whether or not the tracks are any sort of obstruction to fire engines? A. Never. Q. They go right along? A. Yes, sir.

3583 *By Mr. Beaman :*

Q. You have never noticed anything of it? A. Yes, sir, I have. Q. Do the fire-engines, as they pass by your beat, at Fourteenth and Fifteenth Streets take the track instead of the street? A. They usually take the track in this time of the year. Q. How is it at other times of the year? A. In the Summer time, they usually go on the surface.

TERENCE FARLEY, called as a witness on behalf of the Broadway Surface Railroad Company, being duly sworn testifies as follows :

By Mr. Scribner :

Q. Where do you live? A. 462 Seventh Avenue. Q. What do you do for a living? A. I keep trucks. Q. Did you ever drive horses yourself? A. Not

now ; I used to. Q. Do you drive trucks in Church Street? A. Yes, sir. Q. Do your trucks work in Church Street largely? A. Yes, sir ; most times on the corner of Franklin and Church Streets. Q. How many trucks do you employ? A. Three. Q. Do you do business for the merchants in Church Street? A. Yes, sir. Q. How long have you been doing business for Church Street merchants? A. Four years ago we moved in there. Q. There has been a railroad track on that street all the while? A. Yes, sir. Q. To receive and deliver goods that you cart there, do you have to back up in front of the stores? A. Yes, sir.

Q. Have you been able to get along and do your business, notwithstanding the existence of the railroad in that narrow street? A. Yes, sir. Q. You get along without any difficulty? A. Yes, sir. Q. You and the street-car drivers do not get into any fights, do you? A. It is a very rare thing. Q. It is a very rare thing to have any controversy between yourself and them? A. Yes, sir. Q. You have done your business for four years, carting for the Church Street merchants, with success and prosperity? A. Yes, sir.

Cross-examination by Mr. Beaman :

Q. Have you been an alderman? A. Not as I am aware of. Q. How long have you been a truckman? A. About twenty-five years. Q. If you had been an alderman, you would be likely to have known it, I suppose? A. Probably, I would. Q. Where did you have your stand before you had it in this street? A. I went from No. 12 Pine Street to 196 Church Street. Q. Do you own your own trucks? A. Yes, sir. Q. Who do you truck for? A. Barron, Joseph & Co., H. Hahlo & Co., Brown & Co. Q. Where are Barron, Joseph & Co? A. Corner of Church and Franklin ; 96 Franklin Street. Q. Do they not load and unload on Franklin Street? A. That is discretionary. Q. It is discretionary with whom? A. With both sides—with me ; and I generally load the single trucks always on Church Street, and the double truck, if it is a tedious load, we load on Franklin Street. Q. Why do you do that? A. Sometimes we have the goods on the Franklin Street side ; it is the most convenient. Q. It is more convenient than Church Street? A. By all means ; we have got two hatchways there. Q.

- 3587 Then you only load and unload part of the goods on Church Street? A. Part of the goods; yes, sir. Q. What part of the total amount of goods you receive for that house, do you load and unload on Church Street? A. The most part on Church Street. Q. What is their business? A. Jobbers; dry goods jobbers. Q. If you have two hatchways on Franklin Street, how many have you on Church Street? A. We have one on Franklin Street and one on Church Street. Q. And you do the most of the business on Church Street? A. Yes, sir. Q. Which side are they on, the east or the west side? A. The west side. Q. Then you have plenty of room there, to load and unload, without stopping the cars? A. We have plenty of room to back up a single truck and load, without interfering with the cars.
- 3588 Suppose you put a double truck there, would you interfere with the cars? A. We have to stop the cars. Q. If you were going to load a double truck and back it up, it would stop the cars, would it not? A. If I had nine or ten cases to put on, I would delay a little while longer. Q. The question is, if your double truck was backed up there, and the car was coming along at the same time, your truck would not stop the car? A. The double truck would stop it. Q. About how long does it take you to load or unload your truck? A. From one minute to five. Q. Does anybody else do any trucking for these people, except yourself? A. No. Q. How many trucks do all their business? A. Three trucks
- 3589 between different houses.

Q. Three do all the business? A. Yes, sir. Q. All you do for everybody? A. Yes, sir. Q. H. Hahlo & Co. are where? A. Franklin and Church Streets, on the opposite side. Q. They are on the north side, with an entrance on Franklin Street? A. Yes, sir. Q. When you speak of their street I suppose they advertise as such and such a number Franklin Street, do they not? A. Franklin and Church. Q. Do you load and unload for them in the same way that you do for these other houses? A. They load all the goods on Franklin. Q. All on Franklin? A. Yes, sir; that is where the elevator is. Q. They do not use Church Street at all for backing up? A. Never unless they are crowded on Franklin Street, and then they receive on Church Street. Q. What is their business? A. The same. Q. What is the other house? A. The other house

is Brown & Company. Q. What is their business? 3590
 A. Importers of linen and white goods. Q. Where are they? A. 196 Church Street. Q. Which side, east or west? A. West. Q. Have they any entrance on any other street but Church? A. No, sir. Q. So all their business is done on Church Street? A. Yes, sir. Q. All their loading and unloading is done on Church Street? A. Yes, sir. Q. But they are on the other side of the street where there is plenty of room for a single truck? A. Yes, sir. Q. Do you like horse-car tracks for your business? A. I like them in Church Street. Q. You do like them there? A. Well, we would never get through without it; we can follow the car right up and have no trouble. Q. Suppose you wanted to get to the other side? A. We hardly ever go the other way. Q. Why not? A. If it was not for the car tracks 3591 there we could not go from Duane Street to Canal Street in a day; between the inspectors and the policemen, they make them move on. Q. You cannot get the other way at all through Church Street? A. We never go that way unless we have one block or so, so we can switch. Q. The track is practically used by truckmen in getting one way; they follow the cars? A. More so than the other way; more so than going down. Q. You cannot go through at all going down? A. Not very well. Q. In Nassau Street you can go both ways, up and down, can you not? A. Yes, sir; I think so. Q. And so in William Street? A. Yes, sir. Q. And that is so in Broadway? A. Yes, sir; but Broadway is a wide 3592 street by the side of Church.

By Mr. Scribner :

Q. Nassau Street, William Street and Broadway are twice as wide as Church Street, are they not?

Mr. Beaman : All three together, do you mean?

A. Not exactly twice as wide. Q. They are a great deal wider? A. A little wider; but there are no tracks on them.

By Mr. Beaman :

Q. You do not think Nassau Street is any wider than Church Street, do you? A. There ain't much difference. Q. How wide is Church Street? A. I never measured it. Q. How wide do you think it is? A. About in the neighborhood of 20 or 25 feet;

3593 I never measured it. Q. You are not a Yankee?
A. Oh, no; I don't guess.

By Mr. Scribner :

Q. Where there is plenty of room to go up and down, for instance on Broadway, would you regard tracks as any interference with trucks, if they were loaded, in the centre of the Broadway? A. I think not.

By Mr. Beaman :

Q. Why not? A. Because, if the stages were drawn off we would have more space, and there would be less obstruction to traffic; the cars have
3594 got to keep to their place, and they can't run across a truckman and stop him there for half an hour, just as they suit. Q. Do you think the stage drivers are worse on Broadway than truck drivers? A. I would not give a decision on that; one is bad and the other is worse, I think. Q. Do you think the same number of stages cause any more obstruction than the same number of trucks? A. Each stage will cause as much obstruction as one truck; there is more trucks on Broadway than stages. Q. More trucks? A. I should think so. Q. Is not Broadway very important to be used by truckmen in their business, up town and down? A. Yes, sir; not as much as it used to be years ago. Q. Why not? A. The
3595 shipping has all moved up on the west side, as high as Canal Street; I have seen myself stopped at St. Paul's Church, to take my turn down to Pier 1 to ship goods there, and then it was blocked; but now the heavy work of that traffic is diverted up around the river as high as Pier 39. Q. You do not use Broadway? A. Not much; we take the west side more.

By Mr. Scribner :

Q. A lot of steamship companies whose trucks used to encumber Broadway have moved way up to Twenty third Street and along that way, have they not? A. There is only one that far up. Q. They have moved up town? A. They have moved up as far as Canal Street; all foreign lines have moved up that way.

CHARLES P. DENNEHY, called as a witness on behalf of the Broadway Surface Railroad Company, being duly sworn, testified as follows:

By Mr Scribner :

Q. What do you do for a living? A. I am a truckman. Q. Do you own the trucks you drive? A. Partly; I am in partnership with my sister. Q. How many trucks have you made use of in your business? A. From four to seven. Q. Where do you do your trucking, mainly? A. My stand is on the corner of White and Church. Q. Do you do a good deal of business for the merchants in Church Street? A. Yes, sir; considerable. Q. That is an especially narrow street, is it not? A. It is a very narrow street; yes, sir. Q. Do you have any difficulty in getting along with the cars that run through Church Street there? A. No, sir. Q. Do you have any controversy with the drivers? A. None, whatever. Q. You do your business with facility? A. Yes, sir. Q. You obstruct the cars very little? A. As little as possible. Q. And the cars obstruct you very little? A. As little as possible. Q. What do you say with reference to the construction and operation of a railroad on Broadway; would that interfere with truckmen to any considerable extent in the transaction of their business.

Mr. Beaman : I object to this evidence as incompetent, as not in rebuttal, and as cumulative; and I ask that this objection be considered as made to all the evidence of this witness.

Objection overruled; exception taken by Mr.

Beaman.

A. I don't know as it would.

Q. Do not truckmen ordinarily follow the tracks of the cars in streets where car lines are laid? A. After a snow, they do. Q. They do it from choice? A. Choice; yes, sir. Q. Truckmen seek streets in which tracks are laid, do they not? A. After a snow. Q. To avoid the streets in times of snow where there is no track and it is not swept off? A. Yes, sir. Q. Would there be any difficulty as to the width of Broadway with truckmen doing their business, both in loading and unloading and traveling along the street, if there were a double track railroad in the centre of the street? A. I don't know; that would depend upon how much space the railroad track would take up. Q. Say it takes

3597 up 15 feet space in the centre of the street where the street is 40 feet? A. That would leave 25 feet, 12½ feet on each side? Q. Yes. A. No, sir. Q. You think there would be no sort of difficulty in the transaction of all the commercial business of New York that is done on trucks in Broadway with those tracks there? A. I think not. Q. What is your opinion with respect to the amount of obstruction made by a street-car, as compared with the ordinary stage, in Broadway? A. I think it obstructs about as much; possibly not any more. Q. You think one car would obstruct the street about as much as one stage, and no more? A. Yes, about that. Q. Stages are a lawless set of vehicles, that travel on either side of the street? A. Practically, there is no Broadway. Q. They get in the way of trucks? 3600 A. Yes, sir. Q. A truck never knows where it is going to find a stage? A. It is something like that. Q. The stages are the great source of obstruction in Broadway? A. Yes, sir. Q. You know where to find the street-cars exactly? A. Sometimes. Q. They could not get off the tracks? A. No; they could not. Q. You would know where to find a street-car—on its track? A. They have the right of way. Q. Do you not think that the fixed line of travel of the street cars, with the stages removed, would create better facilities for truckmen on Broadway than they have now? A. I think that they would be good.

3601 *Mr. Beaman*: I move to strike out the testimony of this witness as incompetent, as not in rebuttal, and as cumulative.

Motion denied; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman:

Q. How many trucks do you own? A. From four to seven. Q. What do you mean by four to seven? A. When we are busy we run seven, and when we are not we run four. Q. How many are you running now? A. Four. Q. How long has it been since you have been running seven? A. A year ago last Fall. Q. Then you have not been busy since then? A. Yes, sir; we run from six to four. Q. How about the Spring? what is your busiest season? A. In the Spring; it ought to begin now. Q. Is it dull now? A. Yes, sir. Q. For how long has it

been so? A. At least two months. Q. All truck-men are dull, are they? A. I speak for myself; they all complain. Q. There is not much to do? A. Not much to do. Q. What is the matter? A. General depression throughout. Q. No horse-car railroad is on Broadway, is there? A. That may have something to do with it. Q. Do you think that would have anything to do with it? A. I cannot say that it would.

Q. It never occurred to you that it would have? A. No, sir. Q. Have the cars on Church Street helped you? A. It helped me to do business; it has facilitated me to do it. Q. What business do you do there? A. Two stores I do business for; one is a hosiery jobbing house, and the other an agent for mills. Q. What is the name of the hosiery house? A. S. Henlein & Co. Q. What is their number? A. 185, I think; I won't be certain. Q. Do they load and unload on Church Street? A. No. Q. Where do they load and unload? A. They load and unload on Church Street. Q. I thought you said they did not? A. I don't unload, they do. Q. Where do you load and unload? A. I load around the corner. Q. Why? A. For my own convenience. Q. Which side of the street are they on? A. On the side towards Broadway. Q. Then it is not convenient for you to have a horse railroad there. A. Yes, sir. Q. In loading and unloading? A. Yes, sir. Q. How so? A. If the horse railroad was not there, I could not get into the street; it would be an alley-way from Broadway. Q. There is plenty of room on Broadway? A. Yes, now there is. Q. Ordinarily, there is plenty of room on Broadway? A. No, sir. Q. When is Broadway crowded? A. When there is plenty of vehicles on it. Q. When is that? A. When they happen to be there. Q. When have you ever seen Broadway? A. Several times; I never go up to Broadway very often; my business takes me on the other side; I have seen blocks on Broadway from 10 o'clock in the morning until 10 o'clock at night. Q. That is the longest one we have seen yet; how long ago was that? A. A year ago; Christmas a year. Q. From 10 in the morning until 10 at night that block occurred? A. Not only Broadway, but all the other streets from the river up. Q. I do not suppose there was a policeman around there, was there? A. I guess there was the usual number.

3605 Q. There has not been any one here who has seen anything like that for a long time; when have you ever seen another one? A. I did not see that; I wish to correct myself; I will tell you how I became aware of that, if you will allow me; I sent my driver to ship a load of goods down the river, at 1 o'clock, I think, and he never got back until after 5, and he told me that that was the reason of it. Q. Have you that driver still? A. Oh, no; he has been promoted; he is thinking of going in business for himself. Q. I suppose he drives a horse-car now; talking of this horse-car railroad, on Church Street—it does not help you load any; you can not load any easier? A. Yes, sir; drivers get off and give you a hand with a case, if necessary. Q. The conductors and passengers all do that? A. Well, no.

3606 Q. Do the drivers often help you? A. Very often; yes, sir. Q. As I understand it, you never load on Church Street? A. Only for that one particular house, I told you. Q. What house is that which you do not load for on Church Street? A. This one I am telling you. Q. Why do you not load on Church Street? A. It is my convenience to load around the corner; I have got a stand on White Street, and I gather my stuff and put it on the track, and send it away. Q. You are a kind of express company? A. On a small scale. Q. Is your business that of trucking small packages? A. Well, no; I truck the largest kind of packages in the United States. Q. How high? A. Eight feet

3607 high.

Q. Do the conductors help you with those? A. Yes, sir. Q. You gather those and pile them up at your place? A. Yes, sir. Q. What street do you get those on? A. On White Street. Q. Who puts those on? A. The Raritan Woolen Mills. Q. Do they help you load those on Church Street? A. Yes, sir. Q. They could not get along without it? A. They would have got along all the same; the officers would have sent them on. Q. The policemen help you? A. No; I am sorry to say. Q. Therefore, because of the help you get from the horse-car drivers, you think it would be a good thing to have a car line on Broadway? A. No, sir; I did not say that. Q. What is your idea about it? A. I have no idea about Broadway at all; I am solid on Church Street, however.

Commissioner Harris: I would like to have you bring that driver as a witness.

The Witness : I haven't got him ; I will endeavor 3608
to find him, if you like.

CHARLES W. NEWMAN, called as a witness on behalf of the Broadway Surface Railroad Company, being duly sworn, testified as follows :

By Mr. Scribner :

Q. Where do you live? A. 349 West Seventeenth Street. Q. How long have you lived in New York? A. Twenty-five years. Q. What do you do for a living? A. Carting. Q. How many trucks do you own? A. I own three trucks and a cart; I only use two at the present time. Q. Do you do business for people in Church Street? A. Yes, sir. Q. You 3609
have been accustomed to do that business in Church Street for the merchants there for how many years? A. Twenty years; since 1865. Q. Most of those dry-goods houses in Church Street have been built in that time, have they not? A. Quite a number of them, in the upper end. Q. You knew what Church Street was before those stores were built, did you not? A. I have a faint recollection of it. Q. Not very faint either, is it? A. I know some old buildings that were up there. Q. They were a lot of dilapidated old structures, two stories high, before the road was built? A. Yes, sir. Q. And those old structures have given place to the mammoth and palatial stores on Church Street now? A. Yes, sir. Q. In the transaction of your business there in 3610
Church Street, have the cars been a detriment to you in any way? A. I think not. Q. Do you manage to get along without much controversy with the car-drivers? A. They don't bother me any. Q. And you bother them as little as you can, do you not? A. Yes, sir; very little; my truck backs up without interfering with them at all. Q. Church Street is an especially narrow street, is it not? A. Yes, sir. Q. But you can still back up a truck between the curb and the track on the west side? A. Yes, sir; I had my trucks made on purpose to do that. Q. About how long are the trucks that you use? A. I think they are 12½ feet or 13 feet. Q. Some portion of your truck is the tail that backs over the curb, is it not? A. Yes, sir; I had the wheelwright set the wheel up further under the body. Q. The wheel further under the body? A.

3611 I had the wheelwright set the axle further under the body, so that it would go back from the track.

Q. So that you can carry just as big a load as the other trucks do and do not obstruct the street so much in backing up your trucks? A. So as not to interfere with the cars. Q. Is that an expensive thing to do, to have the truck built in that way? A. Not at all. Q. It does not add to the expense of the truck? A. Not much. Q. The expense of altering a truck would not be much either? A. That would cost quite an item, I guess; \$20 or \$25. Q. In your opinion, would the construction and operation of a railroad in Broadway, between the Battery and Fourteenth Street, interfere with the business of truckmen to any considerable extent.

3612 *Mr. Beaman*: I object to the testimony of this witness as incompetent, as not in rebuttal, and as cumulative; and I ask that the same objection may be considered as made to all the testimony of this witness.

Objection overruled; exception taken by Mr. Beaman.

A. I don't think it would, if the stages were taken off. Q. If you take off the 210 stages that are now running on Broadway, is it not your opinion that the business of truckmen would be facilitated? A. I think so. Q. Is it not a fact that the stages are a sort of vehicle that travel all over the street, and you never know exactly where to find them? A. Yes, sir. Q. If a street car was there, and it was confined to its iron track, you would know where to

3613 find it, would you not? A. Yes, sir. Q. Would not that facilitate the operations of truckmen in driving up and down town? A. I think it would, on account of their not having so many cars as there would be stages. Q. Is it a fact that truckmen find street-car tracks any sort of detriment in any street in New York? A. No; I don't know as they do. Q. In such weather as this, for instance, when the surface of Broadway is slippery and the surface of other streets is slippery, or encumbered by snow, what streets do the truckmen prefer? A. They generally take the track. Q. Why do they take the track? A. They always have the snow shoveled off of it, and it is easier. Q. The car companies have the car-tracks sanded? A. Yes, sir. Q. That makes better footing for your horses, does it not? A. Yes, sir. Q. Do you know anything that would

be likely to be different on Broadway, if there was a railroad track there? A. I should not suppose there would be. 3614

Mr. Beaman : I move to strike out the testimony of this witness as incompetent, as not in rebuttal, and as cumulative.

Motion denied ; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman :

Q. How many trucks have you? A. I have got three trucks and one cart ; I am using two at the present time.

Q. Why do you use two? A. I have not work for the other. Q. Is business dull with truckmen now? A. Quite dull. Q. Is general business in this wholesale department dull, as you see it? A. It has been dull. Q. For how long? A. For three or four months. Q. Who do you work for? A. Aldrich, Giddings & Clifton. Q. Where are they? A. 168 and 170 Church Street. Q. Where do you unload your goods? A. In the centre of the block. Q. In Church Street? A. Yes, sir. Q. Which side of the street are they on? A. The west side. Q. Did you have to have your trucks altered so that you could work there comfortably? A. No, sir. Q. Why did you have them altered? A. I had them built, when they were new ; I didn't have them altered ; I thought it would be handy for me to drive in sideways, if I was in the centre of the block. Q. It is important for truckmen to be able to back up? A. It is easier to load that way. Q. How much did you shorten you trucks? A. I didn't shorten them any. Q. How much did you put your hind wheels forward? A. I could not say ; you would have to see the wheelwright about that ; three or four inches, just enough to clear the track. Q. Are they double or single trucks? A. Three-quarter trucks they call them, I believe. Q. When you back up the floor of your truck sticks over the sidewalk a good ways, does it not? A. Yes, sir. Q. How far? A. I should think eighteen inches. Q. That would be objectionable in a street where there was a deal of foot travel? A. It is some in the way. Q. Is there much foot travel in Church Street? A. Quite a good deal. Q. Do the car drivers help you any? A. They never stopped to help load me yet ; they generally go right along about their business. Q. 3615 3616

- 3617 You do not have much of the help from car drivers that Mr. Donnelly spoke of? A. I have never yet.
- Q. Do the policemen bother you much in Church Street? A. No, sir.
- Q. Who else do you work for? A. I work for Wild & Heidelbach; Campbell & Elliott, 52 White Street.
- Q. Are these all the three houses you truck for? A. The Pennsylvania Wool Company, 38 White Street; they are a small concern; it don't amount to much.
- Q. They are all small except the first one? A. Yes, sir.
- Q. Do they have other truckmen besides you? A. I do all of it.
- Q. How many loads did all your trucks carry yesterday? A. I would have to count first, or get my book.
- Q. Eight or ten? A. Oh, yes; I guess I had as many as twenty yesterday.
- 3618 Q. Was yesterday a big day? A. No; a light day.
- Q. What is the situation in Church Street where you are loading there; I mean as to the first firm; is not the snow piled up there? A. No, sir.
- Q. What became of it? A. It has been carried away, and dumped into the river, I suppose.
- Q. Who carried it away? A. I could not say; I think the railroad company.
- Q. Do they carry the snow away, as you understand it? A. I think they do; yes, sir.
- Q. Do the railroad companies ordinarily pile up the snow on one side in Church Street? A. They generally pile it up, and then carry it away; have for the past few years.
- Q. Is not the reason that the tracks are easier than the side of the street, because the snow is piled
- 3619 up on the side? A. Yes, sir.
- Q. Do you think that in a street, say in Broadway, where it is well paved, and it had a double track up and down, the carmen would prefer the tracks rather than the side of the street? A. They would, if it was clear.
- Q. Why? A. They would not prefer to take the snow.
- Q. Suppose the whole of Broadway was clear? A. They don't prefer tracks that I know of; I am not in favor of tracks; I think they break a great many trucks down.
- Q. How so? A. You get in a track with a load and the truck will slide and you will be apt to spring your axle, and off it goes.
- Q. Have you ever broken one in that way? A. I had an axle broken very mysteriously, and I thought it was from that; it got in a switch.
- Q. Have you seen other trucks broken that way? A. I have.
- Q. Then you don't think tracks are any advantages to truckmen? A. I don't think they

are. Q. Are they not a disadvantage? A. Only in 3620
that way. Q. Is it not hard to get in and out
of tracks, or to cross them? A. It is not hard work
to cross them; when you are following a track, it is
hard work to pull out of them; when you have a
full load it is hard. Q. Why is it hard? A. Be-
cause it is slippery and they slide along. Q. Do
you do much business on Broadway? A. Very
little. Q. Where is most of your business done;
where do you carry goods to? A. Along the North
River principally; up above mostly. Q. Are those
foreign goods that you bring? A. All domestic.
Q. You carry them to the steamboats? A. Yes,
sir, and railway lines. Q. Where do you get most
of your goods? A. Most of them come from the
Pennsylvania Railroad, Pier 39, North River. Q. 3621
So that you use Broadway very little? A. I use
Broadway very little.

By Mr. Scribner :

Q. You have seen many a truck and wagon
broken on Broadway where there are no tracks? A.
Yes, sir.

By Mr. Beaman :

Q. Is it not frequent to have them break down
on Broadway? A. I don't travel on Broadway
much. Q. You do not know anything about stages?
A. Not much. Q. Do you think that they are worse
than horse-cars? A. I think they are. Q. Why?
A. They are very careless how they drive, and they 3622
are not particular about keeping on the right side of
the street. Q. Do you think stages are any worse
than the same number of trucks? A. Yes, sir; be-
cause they generally drive on a trot, and cars do
not. Q. Do stages generally drive in that way? A.
Quite frequently; when they start from the ferry,
they generally walk until they get to Broadway, or a
few blocks away, and then they commence to trot a
little. Q. You have seen them trot in Broadway?
A. Yes, sir, I have. Q. You do not ride in them
much? A. No, sir. Q. Where do you live? A.
349 West Seventeenth Street. Q. How do you
come down? A. Generally in the horse-cars? Q.
In the elevated railroad? A. Very seldom.

By Mr. Scribner :

Q. You have seen stages racing on Broadway? A.

3623 I have seen it. Q. You never saw horse-cars racing, did you? A. I can't say that I have.

ALEXANDER FRAZER, called as a witness on behalf of the Broadway Surface Railroad Company, being duly sworn, testified as follows :

By Mr. Scribner :

Q. How long have you been connected with the police force of New York? A. Fifteen years. Q. How long have you been a member of the Broadway Squad? A. Fifteen years. Q. You have been a member of the Broadway Squad as long as you have been on that force? A. Four months on the
3624 force when I came on to Broadway. Q. What stations on Broadway have you occupied? A. From Cortlandt Street up to Twenty-third Street. Q. The different stations all the way up? A. Yes, sir. Q. You are familiar with the ordinary traffic on Broadway and the ordinary vehicles that travel Broadway? A. Yes, sir. Q. In your opinion, would there be any difficulty in operating a street railroad on Broadway between the Battery and Fourteenth Street?

Mr. Beaman: I object to the evidence of this witness as incompetent, as not in rebuttal, and as cumulative; and I ask that the same objection be considered as made to all the testimony of this witness.
3625

Objection overruled; exception taken by Mr. Beaman.

A. No, sir, I don't think there would. Q. Suppose a street railroad was constructed, with double tracks located in the centre of the street, and there were fifty to seventy-five cars put thereon, and the 210 stages now running on Broadway were withdrawn; is it your opinion that the travel on Broadway would be relieved or that the obstruction would be increased? A. I think it would be relieved.

Mr. Beaman: I move that the testimony of this witness be stricken out on the ground that it is incompetent, is not in rebuttal, and is cumulative.

Cross-examination by Mr. Beaman:

Q. How many omnibuses do you think are running on Broadway? A. I guess about 250, I think,

or something like that. Q. Do you think that they 3626
are all there at one time? A. They are not on
Broadway at one time. Q. How many do you
think are on Broadway at one time, below Four-
teenth Street? A. I guess there are a hundred of
them on Broadway at one time below Fourteenth
Street. Q. You think one hundred omnibuses would
block Broadway more than fifty cars? A. Yes, I
think they would. Q. Where are you stationed now?
A. Bleecker Street. Q. Is that a crowded part of
Broadway? A. Not very. Q. How long have you
been there? A. About eight years; seven or eight
years. Q. Is there much retail business there in
Bleecker Street? A. Good deal. Q. Is it in-
creasing or diminishing? A. About the same. Q. 3627
Have you noticed any changes in that part of
Broadway where you are? A. Yes, sir; there are
lots of new buildings that have gone up there. Q.
All along in that section? A. Right around that
neighborhood. Q. They are fine buildings; very
valuable buildings? A. Some of them are. Q.
They have all been put up within what time? A.
Inside of eight years. Q. Name some of the big
buildings that have been put up right along there
within eight or ten years? A. There is Keep's store,
right on the corner.

Q. Corner of what? A. Bleecker Street and
Broadway; there is one where the Olympic Theatre
was; there are two or three put up there; there is
one or two on the other side of the street. Q. Was 3628
there ever a time when Broadway from Fourteenth
Street to Bleecker Street had such fine stores? A.
No, sir; there are buildings going up all along
there. Q. It is improving all the time, as you see
it? A. The buildings, yes, sir. Q. Have you noticed
any falling off in the business done on Broadway?
A. Yes, sir. Q. How long has it been falling off?
A. It has been falling off mostly for five or six
years; falling off the whole time. Q. Have you
noticed it below Canal Street? A. No—well, yes, I
have noticed it all over Broadway. Q. Have you
noticed it all over the city? A. Some; not on Sixth
Avenue or the Bowery; it does not seem to fall off
over there. Q. It is busy on the Sixth Avenue and
the Bowery? A. Yes, sir. Q. Is it your idea that
if the horse-cars come to Broadway there will be
just the same kind of business there that there is on

- 3629 Sixth Avenue and the Bowery? A. I have an idea that it would be something like that. Q. You think it would be a good thing to have Broadway turned into a Bowery? A. No, I think it would be a good thing to have a railroad there. Q. Why do you think so? A. It would make business better. Q. Is there any other reason? A. Not that I know of. Q. Where would it make business better? A. It would carry people there easier and quicker. Q. Do you see many people going along in the stages? A. A good many, mornings and evenings. Q. In the daytime? A. Not so much in the daytime. Q. What time do they begin to be crowded? A. About eight o'clock; seven or eight. Q. What time do they fill up at night? A. Twelve o'clock.
- 3630 Q. I mean, to be full; what time do they ride full there? A. They don't carry hardly any from nine o'clock up to four or five. Q. You mean in the day time? A. Yes, sir. Q. You do not find anybody riding in them? A. Some; but the stages are empty nearly. Q. As I understand it, the stages carry people along from seven to ten in the morning? A. Yes, sir. Q. And then they begin about when? A. About five. Q. And run until when? A. About six. Q. And then they are empty again? A. The theatre people come after that. Q. Do you find a great many people riding up and down Broadway below Fourteenth Street? A. I don't be there at night time. Q. Is it your opinion that a horse-car, or omnibus, in itself makes the most obstruction on the street? A. Well, an omnibus will make the most obstruction. Q. Does an omnibus make any more obstruction than a big truck of the same size? A. No, sir. Q. How do you find the omnibuses; are they trotting along on your part of the street, or are they walking? A. Sometimes they trot, and sometimes they walk. Q. Are the omnibus drivers pretty orderly people? A. Orderly as any other kind of drivers. Q. Just the same? A. Just about the same. Q. You mean the same as other drivers. A. Yes, sir; that is about all. Q. They generally keep the right hand side of the street? A. No; if it suits their purpose they go on either side.
- Q. If they see a passenger on the left-hand side, they go over there? A. Yes, sir; and if they want to pass their leader, they go on the left hand side and run past, if they get a chance. Q. Do you make up your mind that the omnibus people are

trying to get through as fast as they can? A. They 3632
 are trying to get passengers; they don't care about
 getting through, but they are trying to get a load.
 Q. They are trying to get passengers? A. Yes, sir;
 certainly. Q. Without regard to letting them out;
 they try to make it as convenient as they can to get
 passengers in? A. Yes, sir. Q. Do you often see
 obstructions on Broadway? A. Not lately. Q.
 Q. How long since you have been on Broadway be-
 low Chambers Street for any length of time? A. I
 have been on Cortlandt Street for about four years.
 Q. How long ago? A. Ten year ago. Q. Was
 there any crowd there then? A. Yes, sir. Q. The
 same line of omnibuses ran then that do now? A.
 Some lines. Q. What lines are not running now?
 A. Second Street, Eighth Street and Fourth Ave- 3633
 nue. Q. That was longer ago than four years? A.
 Probably, it may be; those lines were there when I
 was there; they were taken of perhaps eight years
 ago. Q. When they were taken off it relieved
 Broadway? A. Yes, sir. Q. Have you noticed any
 blocks since then? A. Yes, sir. Q. Where did
 you last see a block there? A. Short blocks are
 there now, once in a while. Q. What occasions
 that? A. If a horse falls, or anything of that kind.
 Q. What do you mean by short blocks? A. A
 minute or two to get clear. Q. You say once in a
 while; what do you mean by that? A. Once or
 twice a day. Q. Are not blocks more likely to ob-
 struct the travel if you have a horse car line instead
 of omnibuses? A. No; I don't think that would 3634
 be so. Q. It would stop all the horse-cars, would it
 not? A. If it falls on the track, it would. Q. An
 omnibus coming along goes right by? A. Yes, sir.
 Q. Then it would block up a horse-car more than
 an omnibus? A. It don't take very long to get
 anything that I see out of the way. Q. Have you
 not often seen things in a street that broke down,
 that it took half an hour to get out of the way? A.
 I don't know that I did. Q. How long have you
 seen it? A. Fifteen to twenty minutes. Q. Do you
 know how many horse-cars would accumulate in
 Broadway in one place if there was something that
 stopped them for fifteen or twenty minutes? A.
 Five or six cars. Q. That is your idea, is it? A.
 Yes, sir. Q. If these cars were running a minute
 apart, and there was a block across the street for
 fifteen minutes, you would have fifteen cars on each
 track, would you not? A. If they were running a

3635 minute apart on each side. Q. Do you not think that would make considerable of a block, if there were fifteen cars stretched behind each other? A. Yes, sir; I think it would. Q. It would not be possible for anything to get through if there happened to be a single wagon on either side where they stopped? A. The wagon would have to be broken down that was standing there; a wagon don't need to stand for fifteen minutes. Q. What wagon? A. Any wagon standing by the cars. Q. That wagon could get out of the way; but there would not be room except for one wagon to go through on each side of those cars, would there? A. That is all, I guess.

Q. Do you not think that would be a great deal worse than to have a lot of omnibuses there that could get right behind the obstruction in the street? A. I don't see any great difference. Q. How many wagons can go abreast now at Chambers Street? A. About six or eight. Q. If you had two horse-car tracks there, how many wagons could go by? A. Most of the places on Broadway one wagon could pass the other on each side of the track. Q. It is on that idea that you testify? A. No; I think it would be all right if only one could go. Q. You are testifying on the assumption that two wagons could pass? A. Yes, sir. Q. You do not think there would be any trouble if one could pass? A. I don't think there would. Q. Which do you think is the narrowest part of Broadway below Fourteenth Street? A. Right at Fourteenth Street, I guess, is narrower than any. Q. How wide do you think it is there? A. Thirty-eight to forty feet. Q. How wide do you think it is at Fulton Street? A. I don't know, but it is narrower at Fulton Street than there; it ain't any wider. Q. It is about the same, is it? A. Yes, sir. Q. Is it your opinion that if a horse-car track is placed in Broadway, truckmen can back up and load at the various stores in Broadway without interfering with the cars? A. Yes, sir; I think they could. Q. It is on that theory that you are testifying? A. Yes, sir.

By Mr. Scribner :

Q. Do the stages on Broadway sometimes race? A. Yes, sir. Q. That is dangerous, is it not? A. Yes, sir; dangerous. Q. You never saw horse-cars racing, did you? A. No, sir.

MORTIMER DOWNING, called as a witness on behalf of the Broadway Surface Railroad Company, being duly sworn, testified as follows:

By Mr Scribner :

Q. How long have you been a member of the police force? A. Over 20 years. Q. How long have you been a member of the Broadway Squad? A. Going on 15 years. Q. During those 15 years, on what part of Broadway have you been stationed? A. Pretty nearly all the posts on Broadway. Q. Have you been at Fulton Street? A. Yes, sir. Q. Have you been at Cortlandt Street? A. Yes, sir. Q. Have you been at Wall Street? A. Wall Street is not a station; I have been down on the post. Q. In Wall Street they are peaceful folks and do not require any policemen; have you been in Chambers Street? A. Yes, sir. Q. You are familiar, then, with the general character of the travel on Broadway? A. Yes, sir. Q. In your opinion, would there be any difficulty in operating a railroad on Broadway with double tracks from Bowling Green or Battery to Fourteenth Street? 3639

Mr. Beaman : I object to the evidence of this witness as incompetent, as not in rebuttal, and as cumulative; and I ask that my objection be considered as taken to all the evidence of this witness.

Objection overruled; exception taken by Mr. Beaman.

A. Provided stages were taken off? Q. Yes. A. No; I guess not. Q. In your opinion, are the stages, as now running, a cause of considerable obstruction in Broadway? A. Yes, sir; they are sometimes. 3640

Q. In your opinion, would the removal of those stages be of great relief to Broadway? A. Yes, sir.

Mr. Beaman : I move to strike out the testimony of this witness as incompetent, as not in rebuttal, and as cumulative.

Motion denied; exception taken by Mr. Beaman.

(Cross-examination by Mr. Beaman:)

Q. Would the removal of those stages be any more of a relief than the removal of the same number of trucks? A. I suppose about the same. Q. You do not consider stages any worse than trucks,

- 3641 do you? A. No; nor trucks worse than stages. Q. Do you think horse-cars are better than they are? A. I do not know but they are; I haven't seen any horse-cars running yet in Broadway. Q. You cannot tell how it will work? A. No. Q. There is a good deal of guesswork about it; do you know how wide Broadway is? A. I never measured it. Q. Do you know if they put a horse-car track down there, how many teams could pass between the car and the curb? A. I don't think there can be more than two. Q. In any part of Broadway? A. I don't think there can. Q. How many trucks and teams can pass along in Broadway? A. Abreast? Q. Yes? A. About five; five I know. Q. Do you not think it would be a good deal of disadvantage 3642 in Broadway to take and narrow it a fifth? A. Yes, I think it would, of course. Q. Why? A. You said would it not be a disadvantage to narrow it a fifth? Q. Yes? A. To make it narrower? Q. Do you think that would be a great disadvantage? A. It would be a disadvantage. Q. Why? A. There would not be so much room. Q. Do you not think it would be a great disadvantage to do something to Broadway, so that only four trucks could go abreast instead of five? A. I suppose trucks would go on the railroad for a while. Q. If they wanted to turn out and there was another truck standing on the side, they could not get out of the way, could they? A. I could not answer that. Q. Why not? A. I think when the stages 3643 are taken off Broadway, very soon there will be plenty of room for the trucks to get along. Q. How many stages do you think there are on Broadway at this minute? A. From what I have seen, there is about 70 on each line, and there are three lines. Q. That would make about 210? A. Yes, sir. Q. Suppose there are on Broadway at any one time only about 110; do you think that it would be a great relief to take a 110 trucks off of Broadway? A. Yes, sir. Q. Do you think it would be a great relief to take a 110 stages off Broadway? A. Yes, sir; it would make more room in Broadway. Q. Every vehicle that you can get off Broadway, you think is a good thing? A. It would make more room, certainly. Q. Do you think we need room on Broadway? A. No, not at the present time, the way business is going on now; there is plenty of room. Q. How long has there been plenty of room?

A. Not very long. Q. How long has there been 3644
plenty of room? A. There is plenty of room, and
no blocks down Broadway, where I am, the last few
weeks or so. Q. Where are you? A. Corner of
John and Broadway. Q. Are there any blocks?
A. No sir. Q. It is a very dull time, is it? A. I
suppose so; that must make it.

Q. Do you think that it is caused by the fact that
there is no horse railroad on Broadway? A. I don't
know. Q. Have you ever thought of that as a rea-
son for the dull time? A. No; I guess not. Q.
What is the cause? A. I suppose business is
dull. Q. How does the volume of business, as it
has been down at John Street for the last few weeks,
compare with the general volume at this time of the
year? A. It is dull this time. Q. Is there half as 3645
much going on there as is usually done? A. Just
about. Q. How was business before the holidays?
A. Very much blocked before Christmas. Q. What
do mean by blocked? A. Very much blocked be-
fore Christmas—a day or two before. A. All
choked full there, was it? A. Yes, sir. Q. What
occasions the block there? A. Grocery wagons
coming from all over, going down to the market.
Q. They cause a great deal of trouble? A. Yes,
and trucking. Q. What time of the day do the
most blocks occur? A. Those days, three and four
and five o'clock. Q. In the afternoon? A. In the
afternoon. Q. Have you seen many people in the
omnibuses? A. Yes, sir. Q. Are they riding full?
A. Yes, sir; they are riding full. Q. What time 3646
of the day do you see them? A. In the afternoon,
standing up; they are standing up; I press ladies right
into the stages sometimes; they want to catch the
boats down at the ferry. Q. What ferries are they
going for? A. Staten Island and South Ferry, &c.
—Staten Island Ferry especially. Q. And the Wall
Street Ferry? A. Yes, sir, sometimes. Q. These
stages are convenient for ladies to go to the ferry,
are they not? A. I suppose so; a great many go
there. Q. I do not suppose you notice the Wall
Street stage very much? A. Yes, I did. Q. Is that
stage full particularly? A. Going up or down?
Q. Either way? A. The most is the South Ferry;
most people are in the South Ferry stages; I don't
see the Fulton Ferry stages. Q. Are the people in
the stages, as you see them, short riders or long
riders; do you think they are going far up town or

3647 going to get out soon? A. I could not say. Q. Were you any further up town at one time? A. Yes, sir. Q. Whereabouts? A. I used to be in Bleecker Street. Q. Were there many riders up there? A. Yes, sir, some time ago; two years ago, I guess. Q. Have you ever driven a wagon yourself? No, sir; not for a living. Q. Do you think there was more trucking last Fall on Broadway than there was a year ago? A. I couldn't say that; I know it is very dull there this year; that is all I know. Q. Outside of the general dullness that seems to be on Broadway, both down town and up town, according to the testimony, for the last two months—take two years ago this time, and say whether the trucking business, two years ago, was
 3648 as much as it was eight years ago? A. It was more eight years ago, I guess; we used to have a great many more blocks eight years ago than the last two or three or four years. Q. Why is that? A. I could not say; I suppose business did it, or their making more room up town in the city. Q. Are the stages worse on Broadway than they have been all the time? A. No; they are bad all the time; they want to take up the whole street. Q. You do not like stages as well as trucks? A. Some of the drivers are pretty tough people; they try to get a passenger and then they go ahead; if they haven't got a load they nag each other and race.

Q. Down in the neighborhood of John Street and Fulton Street, and the other streets there, is there
 3649 much cross travel across Broadway? A. Trucks? Q. Of all kinds? A. People and trucks? Q. All kind of trucks? A. Yes, sir; vehicles. Q. Where are they going? A. Down to the dock; down to the North River more than to the East River. Q. Do you not think, where you stand in John Street, one-fourth of all the travel on Broadway at that point, is going across Broadway, either one way or the other? A. No, sir; there is more going up and down. Q. More than three-fourths of it is going up and down? A. There ain't a great many going down John Street; there is more going down Dey Street. Q. Suppose you were standing at Fulton Street, is there not a fourth of the whole travel going east and west? A. Yes, sir; east and west. Q. At Fulton Street? A. Yes, sir; but you said John Street; John Street goes to one side of Broadway. Q. Take it at Cortlandt Street, is there not a fourth of the whole travel at that point going east

and west? A. Going north and south, you mean. 3650
 A. No; east and west? A. A fourth? Q. Yes. A.
 I couldn't say that; I guess not. Q. Does the travel,
 that is going east and west, help to cause a great
 deal of blocking? A. Oh, yes. Q. Would it not
 be much easier to get along in Broadway if the same
 number of vehicles were going north and south, and
 there was none of this cross travel? A. Oh, yes;
 there would be no bother at all; we could keep them
 going all the time. Q. Then a great deal of this
 trouble in Broadway is occasioned by going across;
 A. Yes, sir; it stops the others from going up and
 down; and that makes quite a block. Q. On Broad-
 way, below Chambers Street, or below Fulton Street,
 and from there to Wall Street, there is a good deal
 of this cross-town travel, is there not? A. Yes, sir. 3651
 Q. This would interfere very much with horse-cars,
 passing through there, would it not? A. Yes, sir;
 I guess it would; a man, coming with a heavy truck
 up Maiden Lane, and up that hill, it would stop a
 very heavy truck, and he might get stuck below
 there. Q. He would get stuck on the track? A.
 He might. Q. Do the heavy trucks get stuck on
 that part of Broadway? Some of them do. Q.
 They would get stuck more there if there was a
 horse-car track there, would there not? A. I sup-
 pose the horse-car track would stop them. Q. As
 they are going up to Broadway, from the east side,
 they have to go up hill all the way? A. At Maiden
 Lane is a hill; John Street and Ann Street, where I
 am, there is not. 3652

Adjourned to February 21, 1885, at 11 o'clock,
 A. M.

NEW YORK, February 21, 1885.

Mr. Scribner: If the Commissioners please, your Honors will remember that on a preceding session Mr. Evarts put in evidence the original petition of the Broadway Surface Railroad Company to the Common Council, and the original resolution, which was subsequently repealed. That makes it prudent for me, I think, to offer in evidence now the petition of the Broadway Surface Railroad Company addressed to the Common Council of the City of New York, dated October 3d, 1884, together with the

3653 communication of October 3d, 1884, signed by James A. Richmond, president of the company, likewise addressed to the Common Council. These papers I put in evidence from the *City Record* of October 7th, 1884.

I also offer the report of the Railroad Committee of the Common Council, which is contained in the *City Record* of November 13th, 1884.

Then I offer the resolution of the Common Council contained in the *City Record* of December 6th, 1884, in these words:

“Whereas, The Common Council has this day adopted the resolution giving and granting to the Broadway Surface Railroad Company the consent and permission of the Common Council for the construction, maintenance and operation of its proposed railroad ;

And, whereas, Such consent is intended by this Board in lieu of or in substitution for the resolution which was passed and adopted by this Board on the 30th day of August last, notwithstanding the objections of his Honor the Mayor giving consent to the construction by said company of the railroad mentioned in said resolution ;

Now, therefore, resolved, That the said resolution of August 30th, 1884, be and the same is hereby in all things repealed, rescinded and annulled.”

I desire to file that, and to offer in evidence now—I have not the paper here—a communication by the Mayor to the Common Council containing an opinion by the Corporation Counsel that the first resolution of August 30th was void for irregularity, in consequence of no proper notice having been given to the members of the Board of the meeting at which the resolution was passed.

Copies of the *City Record* mentioned above are marked as follows :

That of November 13th, 1884, marked “A., C. P. Y.”

That of October 7th, 1884, marked “B., C. P. Y.”

That of December 6th, 1884, marked “C., C. P. Y.”

HENRY WEIL, called as a witness on behalf of the Broadway Surface Railway Company, being duly sworn, testified as follows :

By Mr. Scribner :

Q. Where do you live? A. I live in Brooklyn.

Q. Do you own property in the City of New York?

A. I own in Broadway. Q. What property do you own on Broadway? A. 561 and 563. Q. Where is 561 and 563 Broadway situated, near what streets? A. It is the building this side of where Ball & Black used to keep, 100 feet this side of Prince Street. Q. One hundred feet south to Prince Street, on the west side of Broadway? A. On the west side of Broadway. Q. What is the frontage of your building on Broadway? A. Fifty feet. Q. By what? A. By 100. Q. In your opinion would a railroad on Broadway benefit the property in the neighborhood of where you own your property?

Mr. Beaman: I object to the evidence as incompetent, as not in rebuttal, and as cumulative, and I ask that this objection be considered as made to all the testimony of this witness.

Objection overruled; exception taken by Mr. 3657

Beaman.

A. I think it would; I think it will. Q. Are you in favor of a railroad on Broadway? Q. I am. Q. Will you tell the Commissioners why you are in favor of a railroad on Broadway? A. I think railroads, for ladies particularly, are easier to get in and out of, and if folks carry anything it is awkward to get into a stage; I think a good railroad, well managed, would be found a relief to Broadway. Q. You think it would be less crowded than it is now with stages on, do you? A. Yes, sir; with the stages on.

By Mr. Beaman: I move to strike out the testimony of this witness as incompetent, as not in rebuttal, and as cumulative. 3658

Motion denied; exception taken by Mr. *Beaman*.

Cross-examination by Mr. Beaman:

Q. How long have you owned this property? A. I have owned that since 1857 or 1858. Q. Have you ever lived in New York City? A. Yes, sir. Q. When did you move away to Brooklyn? A. Some eight years ago. Q. Have you ever owned any other property on Broadway? A. That is the only piece of property I owned on Broadway. Q. Is that property rented now? A. Yes, sir. Q. Under a lease? A. Under a lease. Q. For how long? A. It has two years to run yet from the first of February. Q. Who are the tenants? A. Steiner, Kahn & Co.; they have the first floor and basement; Both-

3659 enner & Co., importers of gloves, hire the first floor. Q. Who else? A. Gothold occupies the three upper floors. Q. And their leases all expire two years from now? A. Two years from the first of February, 1885. Q. How long have they been there? A. Well, they have been in there, the first three years, and then three years—this is the seventh year they are in there. Q. Have they ever paid any higher rent than they are paying now? A. No; they paid less. Q. Did you raise on them the last time? A. I raised on them the last time. Q. Have you ever rented that building for so much as you are now renting it for? A. A great deal more for it—when I first bought it, it brought a great deal more money; there was an old building on it; there was a bank up stairs, and
3660 down below we used to get \$9,000 for the first floor and basement each; that made \$18,000 for the first floor—about as much as I get for the whole now. Q. You have a better building on it now? A. A better building on it now. Q. You never got any more money in dollars for it every year than you are getting now, did you? A. Except when I first bought it. Q. How much rent are you getting for it now? A. About \$18,000. Q. What does the tenant on the first floor do, what is his business? A. Well, he keeps all kinds of notions; fancy things, you know. Q. What does the next man do on the next floor? A. He is an importer of gloves. Q. What does the next man do? A. He is a manufacturer of bonnet frames. Q. He occupies three stories? A. Three
3661 stories; yes, sir. Q. How much does the lower man pay? A. He pays \$8,000. Q. And the next man? A. No—he pays \$4,500, I think. Q. And the next man? A. He pays \$5,000, I believe. Q. There are three tenants that pay you in all about \$18,000? A. Yes, sir. Q. Is it all in one store—50 feet? A. 50 feet is in one store. Q. Are there elevators in it? A. There is nothing but a freight elevator. Q. Then the workman in the factory have to walk up and down stairs, do they? A. Yes, sir. Q. How far does it extend in the rear? A. The basement and the first floor run back 100 feet; the upper part after the first floor 90 feet. Q. It doesn't run through to Mercer Street at all? A. No, sir. Q. Are all the goods that are received and delivered from that store, delivered on Broadway? A. On Broadway. Q. Is there no other way of doing it? A. No. Q. You bought that building in 1857? A. 1857 or 1858.

Q. What was it used for then? A. Before that 3662
there was—let me see; the lowest part was rented
for a store, and the second floor, the whole upper
part, was rented to a bank.

Q. It was practically, then, only a two-story
building? A. Oh, well it was just as high as it is
now, but the bank rented out some of the front part
of it. Q. How much did you pay for it? A. I
paid \$90,000 for one-half of it. Q. How much is it
worth now; what did you do with the other half?
A. The other half belonged to a man by the name of
Van Norton; I bought of him; I paid him \$90,000.
Q. You paid \$180,000 for it? A. \$180,000. Q.
How much is it worth now? A. Well, I don't
know; according to the rent it ain't worth as much
now. Q. You are getting \$18,000 for it now? A. 3663
I used to get about double the rent I am getting
now. Q. You put on a new building; did you? A.
Yes, sir. Q. When did you put it on? A. That
was eight years ago. Q. You get \$18,000 for it; I
ask you what it is worth now in your judgment;
what would you sell it for? A. I suppose it could
be sold for \$200,000. Q. Would you sell it for that;
would you be willing to sell it for that? A. If I
knew what to do with the money I would. Q. But
you don't know what to do with the money; you
don't know where you could put \$200,000, and get
so much income from it as that? A. No; I don't
know; it don't give me any trouble, and that is one
good consideration. Q. That income is perfectly
safe there? A. Yes, sir. Q. You don't know of 3664
anywhere that you could invest money now and get
10 per cent., as you got in 1856; do you? A.
It doesn't pay 10 per cent. Q. There is no property,
that you know of, that pays such dividends as were
paid in 1856? A. No. Q. The rate of interest has
all diminished all over the State; all gone down?
A. Yes, sir. Q. You never rented that building for
any more money than you get for it now, did you?
A. Oh, yes. Q. When? A. When I first bought it
the rent was double the amount. Q. How much did
you get for it? A. We got \$18,000 for the first
floor and basement; that is, the two buildings; the
50 feet rented there on a five years lease for \$18,000;
a man named Kitchen was in at that time—a gas-
man; the other one was rented to a clothing-man;
and we got \$18,000 for the first floor, and the bank
paid us \$10,000, and they did all the repairs and
everything; that was \$18,000. Q. And you got

- 3665 \$28,000 for one! A. Yes, sir. Q. And 18,000 for the other, when you first bought it? A. Yes, sir. Q. You only paid \$90,000 and you got \$20,000 a year? A. That was only half I owned then; the other half I bought later; the other half I bought about ten years later. Q. Have you ever got more rent for the two buildings taken together at any time than you are getting now? A. Yes, sir. Q. When? A. That is when I first bought. Q. I thought you bought one part in 1857, and the other part in 1867? A. For the half of it, it brought \$14,000. Q. Since 1867, or about that time, when you bought the other half, have you got so much rent for it, or any more rent for it than you are getting now? A. No, sir. Q. What did you rent it for; the two buildings taken together, from
- 3666 1867 until you got these present tenants? A. Well, it was an old building; and the bank took the greater part of it out of the middle for an entrance; the principal rent I got out of it then for some years was the bank, \$10,000 up stairs, and down below we got about \$3,500, and some part was empty; yes, sir, we did not get more than about \$14,000. Q. When these three tenants were in there, that are now in there about seven years ago, what did you get? A. About \$14,000. Q. Why did you raise the rent on them? A. \$14,500.
- Q. You raised the rent to \$18,000? A. \$18,000. Q. Why did you do that? A. Oh, well, things looked up; things looked up. Q. And they all stayed and paid that increase rather than move
- 3667 away? A. Yes, sir. Q. Were there plenty of other stores to rent on Broadway then? A. When I first rented it it was kind of dull; when the first three years ran out it was dull then; right after I rented it things moved right up; could have got a good deal more rent after I made the second lease than I leased it for; when the first three years ran out it was kind of dull again. Q. You boosted it up to \$18,000? A. Yes, sir; the rent was too low. Q. And they stood the boost? A. Yes, sir. Q. Does Broadway have dull times occasionally; is that your experience. A. Oh, yes. Q. What makes it? A. I don't know what makes it; business generally is all dull; they are all complaining. Q. Are your tenants complaining everywhere wherever you have any, in other places? A. Well, yes; tenants complain. Q. All round? A. All round. Q. You have

a great deal of property in Brooklyn? A. I have a ³⁶⁶⁸
 good deal of vacant property in Brooklyn, and I
 have a good deal of improved property in New York.
 Q. Are tenants complaining all round now? A. Pretty
 much. Q. Have you some vacant property in New
 York? A. No vacant property in New York. Q.
 You have none to let this Spring? A. Oh, yes; I
 have got about—well, I suppose 120 apartments “To
 let.” Q. All to let; signs up “To let”? A. Yes,
 sir. Q. But you have no signs up on your Broad-
 way store? A. No, sir. Q. They are all fixed? A.
 All rented. Q. Your idea about horse-railroads on
 Broadway is that they will help things some? A. I
 think they would. Q. Whereabouts would a horse
 railroad help it? A. I think it would help it all
 through. Q. From Fourteenth Street to the Battery? ³⁶⁶⁹
 A. Yes, sir; I think it would help all of it. Q. Do
 you think it would help the rental value of your
 property? A. I think it would rent for more; you
 see, the reason I got so much rent first off, that
 property was the very best part for retail; retail
 men pay more than wholesale; and it was the retail
 business; then the retail business moved all up, you
 see, and left things very bad down there; the whole-
 sale business was down there, and the wholesale
 business had not come up so far, and it made it very
 dull; and now, as I say, for the last year business
 has been moving up; and it is getting better; and
 for that reason I am getting more rent. Q. The
 wholesale business is moving up Broadway, is it?
 A. Yes, sir. Q. Do you think the retail business ³⁶⁷⁰
 has all left Broadway below Fourteenth Street? A.
 I think it has in a great measure. Q. Do you think
 it is ever coming back again? A. Yes; I think it
 will; you go further down Broadway, there used to
 be no tailor shops or anything at all down there, and
 now you find plenty of retail business down here.
 Q. Do you think the retail business is coming down
 where your store is? A. It must. Q. You don't
 expect it in your time, do you? A. No, sir. Q.
 Have you always noticed in Broadway that there is
 a kind of dull spot between where the retail business
 used to be and where the wholesale business is? A.
 Yes, sir; it always used to be dull there. Q. Right
 between the two? A. Between the two.

Q. The wholesale business has grown up, then,
 and taken its place, and the retail has gone up-
 town? A. Yes, sir. But, as I say, ten years ago

- 3671 there was hardly any wholesale business above Canal Street; and now it has gone up, and there are big, large stores. Q. Has there not been a good deal of movement in the way of building large, new stores where you are? A. Yes, sir; Astor is building right opposite; and the building on the next corner—Astor is putting up a great many buildings. Q. There are a good many more facilities up there for accommodating wholesale business than there ever was before? A. Yes, sir; all the stores that have lately been built for the last five years have been built for the purposes of wholesale. Q. And they have elevators in them? A. Pretty much. Q. And all the modern improvements—steam and elevators? A. Yes, sir. Q. Those buildings are very much better than the old-fashioned buildings, 3672 are they not? A. Yes, sir. Q. And tenants prefer them rather than the others? A. Yes, sir. Q. You say retail people pay more rent than wholesale people, are they able to pay more? A. Yes, sir; I think they do; I think up between Fourteenth and Twenty-third Streets they get better rent than the wholesale men pay. Q. How is it that retail men can afford to pay so much more rent than wholesalers? A. I do not know; I suppose they make a better profit; wholesale business is done on a small percentage. Q. Was there ever a time on Broadway when your property was worth more money than it is now? A. No, sir; I do not think so; that is the reason; because, at the time I bought you would 3673 not buy property unless it paid seven per cent. interest; and now you are satisfied if you get five per cent interest — Q. That makes all the difference, does it? A. If you have a certain income that makes it worth so much more.

By Mr. Scribner :

Q. You paid \$180,000 for this property? A. Yes, sir. Q. Then it had old buildings on it? A. Old buildings. Q. And then you put a new building on it? A. Yes, sir. Q. What did that new building cost you? A. About \$45,000. Q. So that your property cost you \$225,000? A. Yes, sir. Q. And you would be willing to sell it now for \$200,000 if you knew how to invest your money? A. Let me see: the bank paid me fourteen or fifteen thousand dollars for the lease; the lease did not run out. Q. Then you got fourteen of this \$45,000 that you took

to put up the building out of the bank? A. Out of 3674
the bank. Q. Nevertheless, the building and land
cost you \$225,000? A. Yes, sir. Q. And you
would be willing to sell it for two hundred thousand
dollars if you knew what to do with the money?
A. Yes, sir. Q. And when the old buildings were
on there you got about \$28,000, whereas now, with
the new buildings, you only get \$18,000? A.
\$18,000.

HART BRUNDRETT, called as a witness on behalf
of the Broadway Surface Railroad Company, being
duly sworn, testified as follows:

By Mr. Scribner :

3675

Q. Where do you live? A. In New York City.
Q. Are you in business in this city? A. Yes, sir.
Q. You are President of the Pacific Bank? A. Yes,
sir. Q. In what other business have you been en-
gaged in this city during your residence in New
York? A. I have always been engaged in the whole-
sale woolen business until three years ago. Q. What
has been the location of the stores that you occupied?
A. 448 and 450 Broadway, running through to Cros-
by Street. Q. For how many years did you keep
those stores? A. Well, I should think about seven
years. Q. What was the name of your firm? A.
Catlin, Brundrett & Co. Q. You have been a resi-
dent of New York, or a business man in New York,
for how many years altogether? A. About thirty- 3676
two years. Q. And all that time you have been
familiar with Broadway and with its condition and
the condition of travel thereon? A. Yes, sir. Q.
You have been familiar with the character of the
vehicles usually used thereon? A. Yes, sir. Q. Do
you happen to know what was the condition of
Broadway in respect to Broadway twenty years ago,
when there were more stages running than now?

Mr. Beaman : I object to this evidence as incom-
petent, as not in rebuttal, and as cumulative; and I
ask that the same objection be considered as made
to all the testimony of this witness.

Objection overruled; exception taken by Mr.
Beaman.

A. Well, I remember, we had a great deal of
difficulty in a general way. Q. Has Broadway,
during the last twenty years, improved or be-

3677 come more obstructed in respect to travel? A. I should say much the same. Q. Twenty years ago do you remember the New York Consolidated Stage Company? A. Yes, sir. Q. And the great number of stages that were run by that company? A. Yes, sir; but not especially; my attention was not especially called to it. Q. In your opinion, would there be any sort of difficulty in operating a railroad on Broadway to-day between the Battery and Fourteenth Street? A. I should think not. Q. In your opinion is there a public demand and a public necessity for the construction and operation of a railroad on Broadway between the Battery and Fourteenth Street? A. I should answer that, if the Commissioners will allow me that latitude, a little different from the question.

Commissioner Harris: Give your view about it.

The Witness: My answer would cover rather the business demand than the help it would be to concentrate business on Broadway, if you will allow me to deviate from your question.

Q. Go on and give your answer? A. I think the tendency of a horse railroad would be to concentrate business on Broadway and help the value of property and keep a more steady tenantry. Q. Would it promote the general convenience of the public desiring accommodation on Broadway? A. I think it would. Q. Suppose you, in your business as president of the Pacific Bank, desired to have an interview with the officers of some other of the banks in Wall Street, would a horse-car be a matter of great convenience to you in getting from the Pacific Bank to Wall Street? A. Yes, I think it would be preferable to the stages.

Q. In the question I have put, in respect to the desirability of a railroad on Broadway, I have assumed, although I have not said so, that the stages were to be withdrawn and that 50 or 75 cars would take the place of the 210 stages now running; do you think that would facilitate travel on Broadway? A. I think it would. Q. Are you familiar with the general features of Broadway on the upper part, above Canal Street, in respect to stores being rented or vacant? A. I see a great many, as I walk down mornings, that are unoccupied. Q. You did not see those things twenty years ago, did you? A. Excepting in the beginning of the war, I don't think as much as now. Q. Your idea is that the

construction of a railroad on Broadway would concentrate business and improve the rental value of the property? A. Yes, decidedly so. 3686

Mr. Beaman : I move to strike out the evidence of this witness as incompetent, as not in rebuttal, and as cumulative.

Motion denied ; exception taken by *Mr. Beaman*.

Cross-examination by Mr. Beaman :

Q. Where is the Pacific Bank? A. 470 Broadway.
 Q. Whereabouts in location as to the streets? A. Just above Grand ; say half a dozen doors. Q. On which side of the street? A. The right hand side, as you go up. Q. Were you of the firm of Catlin, Brundrett & Co.? A. Yes, sir. Q. Where is that firm now? A. They are out of business ; liquidated. 3681
 Q. Where is Mr. Catlin? A. He is of the firm of Catlin & Company. Q. Is that in the same place, where you use to be? A. No, sir ; he is now on Church Street. Q. Church Street down here? A. Yes, sir. Q. Is he doing the same business? A. No, sir, not exactly ; he has changed it to that of commission business ; we were importers and jobbers. Q. And he has now become a commission merchant, and is in Church Street? A. Yes, sir. Q. Did you begin business in this place, 448 and 450 Broadway? A. No, sir. Q. Where did you begin? A. 23 and 25 Warren. Q. When did you begin? A. As a clerk or a merchant? Q. As a merchant. A. 23 and 25 Warren. Q. When? A. In 1862 or 1863. 3682
 Q. When did you move from Warren Street? A. I think we moved about 1869 or 1870 ; in 1869, or along there. Q. Where did you move to? A. 448. Q. Then you have been in business in two places? A. Yes, sir. Q. Why did you go up-town? A. Because it was more the fashion than anything else ; we did not wish to, but it seemed to be the fashion, and we were the last ones. Q. You were the last ones to go in your line of business? A. We stayed down. Q. Your line of business moved up-town? A. Yes, sir. Q. What took your place down town in Warren Street? A. Boot and shoe stores, largely ; and other branches of trade ; hardware came there. Q. At the time you went to Warren Street, it was all wholesale dry goods houses of various kinds, and jobbing houses there? A. Yes, sir. Q. You were driven out, to speak mildly, of

3683 course, by the shoe trade and hardware trade, were you? A. Not by that at all; the tendency of our business—one started and then another followed, like they always do; we were not driven by the other demands.

Q. They have taken your place; what I wish to know is, when you went into business in Warren Street? A. 1861 or 1862; I give that as somewhere near it. Q. And where was the general limit on what you might call the dry goods business at that time—from what street to what street? A. It did not reach above White Street much. Q. How far down? A. It would go down to Fulton Street, say. Q. And that was about twenty-one years ago? A. Yes, sir. Q. Where is it? A. The jobbing trade goes from Worth Street to Bleecker Street; Bleecker 3684 Street is a little beyond. Q. Is Worth above White? A. Below. Q. Then there is a little place where the lap comes in; it formerly went to White, and now it is at Worth? A. Some of the jobbers have moved back—two, for instance. Q. This tendency of the business to move up town is a tendency that you have noticed as long as you have been in New York? A. Oh, yes. Q. This store that you occupied in Broadway is occupied by whom now? A. It is occupied by two parties now, I think. Q. What are their names? A. S. Stein & Co., and some one in the rear, I think; I do not know who that is. Q. Did that store have a rear entrance? A. Yes, sir. Q. So that you were not obliged to load and unload 3685 on Broadway? A. No, sir; we shipped our goods from the rear. Q. Do you consider it an important thing for merchants that they should have an opportunity to ship their goods from the rear of the stores, and not on Broadway? A. I think it is better. Q. Why? A. Well, it is perhaps a little bit better on account of the customers, when we are tumbling out goods sometimes—if we tumble out on the first floor; it depends a good deal on the character of the business; if you have customers coming in, it is not always pleasant to meet them with a case of goods. Q. Or to follow them out with a case of goods? A. No, sir; but we shipped most of our goods there, and most of the stores in the neighborhood have rear entrances; not all of them, but most of them; we shipped our goods over this Bleecker Street Railroad, and we thought we had as much difficulty as we could have; it is a very nar-

row street, but we managed to ship all we could, 3686
 still. Q. Do you consider it a disadvantage to a building or store to have a bad opportunity for shipping goods, or to have anything that prevents your shipping them easily? A. Oh, yes, in a measure; we encountered that. Q. Please give a little more fully your idea of why a railroad on Broadway would, in some respects, improve things? A. Out of town people stop in up-town hotels; formerly they stopped down town; and again, and out-of-town man is influenced by little things; suppose he stops at the Everett House, or some house down town; he will jump into a car that will take him quicker or directly to the place where he wants to do business, without being a block or two out of his way; I think it would be more natural for him and everybody else, as the city goes further and further 3687
 up town, to jump into a Broadway car and go right down past these stores; I find they are influenced by those great conveniences. Q. You think he would go there instead of going somewhere else? A. Yes, sir; it would help him; it would concentrate more business on Broadway. Q. But that would hurt some other parts of the city, where he would otherwise go, would it not? A. Possibly it might; I cannot answer as to that; I have not gone into that. Q. You have not thought about its hurting some other part of the city? A. No; I represent the bank and its property only, and I think it would benefit us.

Q. Does the bank have property on Broadway? 3688
 A. Yes; they own 470 Broadway. Q. How much front have you? A. Thirty-four feet. Q. Do you occupy the whole of it? A. No, sir; the Pacific Fire Insurance Company and the Pacific Bank own it jointly; they are joint owners. Q. Those two companies own the whole of it? A. Yes, sir. Q. It is not vacant? A. No, sir. Q. There is no part of it to rent? A. One lease is up at present; it may be for rent. Q. Who is your tenant? A. Stewart, Hanning & Warren. Q. What is their business? A. Stationery. Q. What floor? A. Basement; or rather you might call it the cellar; it is a high stoop, peculiar building. Q. That is all you have to rent? A. No, sir; we have the lofts. Q. Are they vacant? A. We rented them, but the tenant sub-let; he tells me he has a good deal of difficulty. Q. Have they ever been rented? A. Oh, yes; desirable. Q. And

- 3689 what have they been used for? A. Lace business ; that man has gone on a side street. Q. He left Broadway? A. He used to pay us a high rent. Q. He has gone to get a cheaper rent? A. I would not say that. Q. Do you not suppose he has gone on that account? A. I suppose so, but I do not know of my own knowledge. Q. You do not think he has given that up because there was no horse railroad on Broadway, do you? A. I do not think that entered into the question. Q. Has your building ever been better rented than now? A. Yes, sir. Q. When? A. In 1868 and 1869. Q. Has it been since then? A. Right along ; for our basement we got \$4,400 or \$4,500—for the basement that we now rent for \$2,500, and they demand a reduction. Q. What has caused this depreciation in the rental values in your judgment? A. It is pretty hard to answer without enlarging. Q. We want to get at it from your best judgment? A. I think one thing, there have been a good many stores—it is simply a thought that occurs to me—possibly built at less rentals, and possibly they are better stores ; the business is diversified and scattered more ; some have gone down Broadway on account of the high rentals ; I really feel that those men would only be too glad to get back. Q. That is, if you put down the rentals? A. No, sir ; if they have better accommodations ; if this horse railroad was there, they would go right down by our bank ; if a man wanted to buy stationery, he would jump into a car and come down and buy from our man in the basement quicker— Q. Did you suppose—
- 3691

Mr. Scribner : Let him answer ; he does not finish all his answers before you interrupt him with a question.

Q. I do not intend to interrupt you at all ; if I do, after I get through you may go right on ; begin again, and go on as fully as you wish and state all you want to state about this piece of paper, or this little stationery that some one will buy in your place? A. The stationery store that occupies our basement—I think if there was a railroad there many people several blocks above us, having a car instead of a stage to jump into, would be more likely to come there ; people away up in Tenth, Eleventh and Twelfth or Fifteenth Streets, and up that way, would jump into a car and come down and patronize that store. Q. What do those people do now—do

they do without paper? A. Well, I cannot say. Q. 3692
 Are there not a dozen stationery stores between
 Tenth Street and your place? A. Not of that class.
 Q. What class is this—down in the basement? A.
 They do what you might term a merchants' station-
 ery business; they cater to all the merchants.

Q. There are a lot of merchants around there, I
 suppose? A. Yes, sir. Q. And there are a lot of
 other stationers up and down Broadway? A. Not
 very many. Q. Is it your idea that merchants get
 into horse-cars and omnibuses, and come down
 and buy stationery? A. It is my idea that mer-
 chants would be more likely to come down there if
 there was a horse-car than if there was not. Q. Do
 you think a man would come down from the Everett
 House to buy there, instead of going to Tiffany's? 3693
 A. Tiffany does not keep that class of goods. Q.
 Are there not men who keep that class of goods. A.
 They keep a lot of disjointed parts. Q. What is
 this man's name? A. Stewart, Hanning &
 Warren. Q. Stationers occupy stores in a place to
 do business, do they not? A. Yes, sir; generally.
 Q. People do not come up from Wall Street to
 patronize them? A. There are plenty there. Q.
 You think there are more down here than up there?
 A. I think there are more; yes, sir. Q. Then you
 think they go to stationers where it is handy for
 them? A. Yes, sir. Q. Enlarge on your idea about
 there being vacancies; you say there have been
 a lot of new buildings put up there? A. No; I say
 there have been structures built on the side streets 3694
 that may possibly have a little tendency; and dull
 times. Q. Those are very fine buildings? A. All
 classes. Q. Are the rents generally lower than on
 Broadway? A. I cannot answer intelligently about
 that. Q. You do know much about rents? A. I
 know a little. Q. Not very much. A. My mind
 has not been drawn to that especially; I have been
 absent a good deal. Q. Is it dull times in
 the city, as you understand it? A. I believe
 it is. Q. Is it dull times in the class of cus-
 tomers that you have; you have merchants
 right around you? A. Yes, sir. Q. They are all
 complaining of dull times, are they? A. Yes, sir;
 they complain. Q. What do they mean by dull
 times? A. Slack sales. Q. Overproduction? A.
 In some cases. Q. There are too many buildings to
 rent? A. I have not heard much about that. Q.

- 3695 There are not too many buildings to rent? A. I cannot say as to that. Q. Are there too many goods manufactured, and too few buyers, and too low prices; have you heard of those things? A. Yes, sir; low prices. Q. In that vicinity where you are has it not been true that within the last three or four years it has been quite a centre for the wholesale clothing trade? A. Yes, sir. Q. Have they been your customers in the bank, some of them? A. Only one in the trade. Q. There have been large failures in that branch of business, have there not. A. Yes, sir. Q. All up and down there? A. Well, there have only been some three or four, I think. Q. The largest ones in the street? A. That is all there is of any kind, I guess; three or four
3696 along there, I think. Q. Was there ever a time when there were so many good buildings on Broadway, above Canal Street and between there and Fourteenth Street, as there is to-day? A. Ever before? Q. Yes? A. Oh, no, I think not. Q. The opportunities for tenants on Broadway have been improving all the time? A. In the character of the stores? Q. Yes? A. Oh, yes. Q. Broadway, above Canal Street, has been greatly improved within ten years? A. Yes, sir. Q. A great deal of money has been put in there by the owners of property for the purpose of putting up good buildings and fitting them up for tenants? A. Yes, sir.

By Mr. Scribner:

- 3697 Q. Are those new buildings that have been put up, to which Mr. Beaman refers, where the signs are "to let?" A. I think in some cases; yes, sir; I think there are quite a number of those modern buildings to let to-day. Q. The Pacific Bank building is owned jointly by the bank of which you are the president and by the Pacific Insurance Company, is it? A. Yes, sir. Q. And it is jointly occupied by the insurance company and the bank? A. Yes, sir. Q. The insurance company occupies what part of it? A. The front part of it. Q. And the bank occupies the rear? A. Yes, sir. Q. Of the first floor? A. Yes, sir. Q. So that all the rest of that building is to rent except the first floor that is occupied by the owners? A. Yes, sir. Q. You stated that while you were in business on Broadway you kept loading and unloading your trucks from the rear? A. Yes, sir. Q. Did you

make use of the tracks? A. Yes, sir. Q. Your building in the rear backed up on Crosby Street, did it not? A. Yes, sir. Q. In Crosby Street there was all the while that you were there a double track railroad—the Bleecker Street Railroad? A. Yes, sir. Q. And all that time there was no railroad in front on Broadway? A. No, sir. Q. Nevertheless your firm by choice used Crosby Street, notwithstanding the existence of the railroad tracks, to receive and deliver goods? A. Yes, sir. Q. How many trucks did you use? A. I should think three a large part of the time pretty much. Q. Crosby Street where these double tracks are laid, is quite a narrow street, is it not? A. Very narrow. Q. Is it much narrower than Broadway in front of that building? A. Oh my, yes. Q. Did your neighbors also make use of Crosby Street to receive and deliver goods in preference to Broadway where there were no tracks? A. Oh, yes; certainly? Q. All the merchants in that neighborhood used Crosby Street instead of Broadway, for the purpose of delivering and receiving goods, did they? A. Yes, sir. Q. And backed up their trucks? A. Yes, sir.

By Mr. Beaman:

Q. In doing so, would they always stop the horse-cars? A. Oh, no; not always; sometimes there would be some delay. Q. Could they load without stopping the horse-cars? A. Well, they did load. Q. How so? A. The porters and the carmen facilitated that; they got their goods down and got them ready, so that they dumped them on pretty quickly sometimes; the horse-cars sometimes would have to wait a few minutes. Q. Did the trucks back up on the sidewalk? A. I think they did sometimes. Q. They used the sidewalks for the trucks practically? A. Sometimes; yes, sir; it would depend on circumstances about that. Q. What circumstances would it depend on? A. Suppose the sidewalk is all full of cases; they would take them right off the sidewalk. Q. Suppose it was not full of cases, what would they do? A. In cases of that kind they might back up possibly; there was no regular rule about that. Q. They would back right up to the store and load them that way? A. Back right up to the elevator probably; that would occur when then there was no rush of business.

- 3701 Q. When there was a rush of business they would have them on the sidewalk and all around there?
 A. Yes, sir. Q. And when they had a rush of business they took them in the street and stopped the horse-cars? A. Not always. Q. How could they do it without stopping the horse-cars? A. There is a time between the cars when they could load? Q. How close did they run at that time? A. I don't remember; but I should think there was a space of three or four or five minutes, or six; I don't know; it might have been longer than that. Q. During that time you could generally load or unload? A. I don't think there were very much blocks there; they would stop and block them sometimes; we were inclined to think that we should have a terrible time, but it wasn't anything like as serious as we anticipated; we got along pretty well. Q. Did the merchants generally in Crosby Street load and unload just as you did, using the sidewalk in backing and loading up? A. Usually, I think; that is the way they do now, I think. Q. Was there ever a time in Broadway when a horse railroad would, in your opinion, benefit property more than now? A. No, sir. Q. You think now it is needed more than at any other time? A. I think it is; yes. Q. What part of Broadway do you think needs it most? A. The whole of it; particularly from City Hall up; take that part. Q. From City Hall to Fourteenth Street? A. I should think on that part it was very important. Q. You think it would improve the value of property and also the value to tenants?
 3703 A. I think the tenantry would be more steady. Q. They would have better interest in their leases, and it would be worth more to them? A. Yes, sir; I think it would. Q. How did you come down this morning—did you walk? A. I walked down. Q. Do you usually walk up and down Broadway? A. It depends on the weather. Q. Suppose you were coming down on this business that you talk of, going down to Wall Street; do you go down often? A. Not very often. Q. How often do you go down to Wall Street? A. Sometimes once a week and sometimes not. Q. How do you generally go down? A. Usually that would depend on the hurry a good deal; I like to walk. Q. Suppose you were in a hurry, what would you do? A. I would have to take a stage, probably? Q. Then they go faster than you can walk, do they? A. Sometimes they do, and sometimes they don't; last Summer I found

that I could walk faster than some of them could 3704
 take me up; in several instances, I believe. Q.
 Was the street crowded? A. Last Summer? no,
 not at that time; it was excessively hot and the
 horses walked slowly. Q. And they had big loads?
 A. I don't know about the load. Q. Where do you
 live? A. At the Murray Hill Hotel. Q. How do
 do you go down town? A. I walk down, excepting
 bad weather, and then I ride in the Fourth Avenue
 cars or the elevated. Q. Whereabouts on Murray
 Hill? A. Murray Hill Hotel. Q. You sometimes
 take the horse-cars and sometimes the elevated
 road down? A. Yes, sir; and walk frequently.
 Q. You never come down in the omnibus on the
 Madison Avenue line? A. Once in a while; yes,
 sir.

Q. Do you go up that way once in a while? A. 3705
 Rarely; very rarely. Q. How do you generally go
 up? A. I either walk, or take the Fourth Avenue,
 or elevated. Q. What do you think of the effect
 the elevated roads have had on property below
 Fourteenth Street? A. I don't know about that; I
 think they are a benefit to the city; but as to that
 special part, I don't know. Q. Do you think it has
 diverted travel from Broadway? A. I can't answer
 as to that; I don't know. Q. You don't know
 whether it has helped or hurt Broadway; you have
 no opinion about it? A. No, sir; no special opin-
 ion.

By Mr. Fuller:

Q. You believe the easier you make property of 3706
 access the more beneficial it is to the property? A.
 Yes, sir. Q. And you believe that cars are better
 than stages? A. Yes, sir; I do; very much
 quicker. Q. Do you remember whether, as pres-
 ident of the bank, the consent of the bank was giv-
 en for a cable road on Broadway? A. It was not.
 Q. There are so many banks that I didn't remember;
 I think all the rest of the banks gave their consent;
 I don't know that we called on you—but you would
 prefer a railroad in Broadway to the stages? A.
 Yes, sir. Q. You think the cars in the City of New
 York as a rule have been a great benefit to the City
 of New York, do you not? A. Yes, sir; I think
 they have. Q. Do you not think if Broadway had
 had a railroad twenty-five years ago it would have
 been better for Broadway to-day? A. Yes, sir; I
 think it would.

3707 *By Mr. Beaman :*

Q. Do you not think the steam railroads have helped New York ? A. The city ; yes.

WILLIAM T. RYERSON, called as a witness, on behalf of the Broadway Surface Railroad Company, being duly sworn, testified as follows :

By Mr. Scribner :

Q. Where do you reside ? A. In New York. Q. What business do you follow ? A. I am connected with the New York Cab Company now. Q. You are of the firm of Ryerson & Brown, are you ? A. Yes, sir. Q. You have been engaged in the livery business in the city of New York, and in running
3708 carriages and cabs of all kinds, for how many years ? A. Personally, since 1878. Q. How many stables have you now ? A. Eight, I think. Q. How many cabs or hackney coaches do you run in the city ? A. Between two and three hundred. Q. What is your relation to the New York Cab Company ? A. Treasurer. Q. You have been familiar with the livery business for how many years in this city ? A. Twenty-five years or more. Q. You have been familiar with Broadway during all that time and the character of the travel thereon ? A. Yes, sir. Q. Suppose the stages now running on Broadway to the number of 210 were to be taken off Broadway, and in lieu of that means of conveyance, a horse
3709 railroad was constructed with double tracks extending from the Battery to Fourteenth, and fifty to seventy-five cars took the place of the stages ; in your opinion would that promote travel on Broadway or obstruct it ?

Mr. Beaman : I object to this evidence as incompetent, as not rebuttal and as cumulative ; and I ask that the same objection may be considered as made to all the testimony of this witness.

Objection overruled ; exception taken by Mr. Beaman.

A. I believe it would relieve Broadway. Q. You think that your cabs would go along on Broadway with less difficulty if the stages were removed and seventy-five cars were substituted that I have mentioned, than they do now ? A. I do.

By Mr. Fuller :

Q. How many cabs did you say? A. Between two hundred and three hundred. 3710

By Mr. Scribner :

Q. Your firm for many years past has been the largest livery establishment in the city, has it not? A. Yes, sir.

Mr. Beaman : I move to strike out the evidence of this witness as incompetent, as not in rebuttal and as cumulative.

Motion denied; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman :

Q. Are all the cabs now owned by Ryerson & Brown put into this cab company, limited? A. Yes, sir. Q. All of them? A. Yes, sir. Q. Then you have no independent cabs of your own? A. No, sir. Q. Everything in the cab business or in the livery business is in the cab company now? A. Yes, sir. Q. And your interest is a stock interest I suppose? A. Yes, sir. Q. You are the treasurer? A. Yes, sir. Q. Mr. Gill is the secretary? A. He is the second vice-president. Q. Who is the president? A. Mr. J. G. K. Laurence. Q. Has Mr. Gill been the active man about the matter and had to do with the formation of the company and the general promotion of its interests? A. To a certain extent; he has not been the most active man. Q. I 3712
don't mean as a capitalist, but as a promoter or instigator? A. I think that Mr. Gill was the first one who ever proposed to form a cab company. Q. He has been active about that matter all the time, and he now gives his whole attention to it? A. No, I think not; I think he has other interests. Q. What other interests? A. I don't know. Q. Do you think that a horse railroad on Broadway will hurt your business of the New York Cab Company, limited? A. Under the conditions that this gentleman mentioned, I think it would benefit us. Q. How so? A. For this reason, that a car would take up only about the same space that a stage does; and their capacity is more than double, and it would require so much less in number to do the business. Q. Go on? A. And then again— Q. The question is how it would improve your business? A. Well, I think there would be much less risk of accident to

3713 our carriages from cars than from stages, because our—well, I judge it from our past experience, because nearly all the mishaps we have come from stages, and very few from cars; our drivers know just how to keep out of the way of the cars. Q. You have never had any accidents on Broadway from cars as yet? A. I don't know; I think they have; We have had accidents from everything it the way of a conveyance I think, but I should say the most of the accidents come from stages. Q. Then you think it would be easier for your cabs to go along down Broadway if cars were there than if the omnibuses were there? A. Yes, sir.

Q. The other question is whether, if we have cars, we can get rid of your cabs; do you think it would
3714 help or hurt your business? A. Of course, that is a risk we have to run. Q. What do you think about it? A. I think not; I think the convenience now is so great that we wouldn't have anything more to contend with in the way of losing trade, if we had cars, than we do now with the cars and stages combined? Q. Why not—they come cheaper, do they not? A. They come cheaper; but the class of trade, the people who patronize stages and these different elevated roads are not people who prefer to ride in carriages. Q. Are there such people? A. A great many; if there were not we should not live. Q. You are getting a good living out of your business and paying a dividend, or you are able to? A. I don't know how that is. Q. You are satisfied?
3715 A. No, sir; I am not. Q. You want more? A. I want more, certainly. Q. Do you think you will get more if you have a horse railroad on Broadway than with the omnibuses there? A. I don't think it would affect our trade at all in the way of carrying passengers. Q. You think you would get as many people down to Wall Street? A. I think we would; I think we should. Q. And as many up? A. Yes, sir. Q. Do you think you would do as much business on Broadway with cars on it as with omnibuses there? A. You mean, to use Broadway? Q. Yes. A. I should think we should use it more. Q. You think you would have more business there? A. We do not get business from Broadway; we merely use Broadway to get up and down town. Q. Don't your men pick up business along Broadway to a certain extent? A. The cheap cabs do; that is only a small proportion of our business. Q. I am talking

about the cheap cab part of your business alone. 3716

A. Well, I don't think it would make any difference with our cheap cabs ; the proportion of the business that we have up and down Broadway is very small ; the great bulk is lateral, from side to side. Q. You think we would have just as many of these cheap cabs on Broadway if we had a horse railroad there as we have now ? A. I think we would have more. Q. Why should we get more ? A. Because we could get more room. Q. Then any room that was made by the omnibuses being taken off would be filled up by your coming right in ? A. I don't know ; we have had applications from a number of institutions down town, saying they would like to have cabs stationed in front of their places, or near them. Q. What institutions ? A. I don't know as I would like to mention them ; is it necessary that I should ? 3717 Q. I would like to know ? A. We had from the Continental Insurance Company an application some time ago. Q. Where are they ? A. On Broadway.

By Mr. Fuller :

Q. Near Wall Street ? A. Opposite Trinity Church.

By Mr. Beaman :

Q. They wanted one ? A. They wanted one. Q. Who else wanted one ? A. Then we had an application from Mr. De Bebian. Q. Where is he ? A. He is at Bowling Green ; I don't remember, but we have had applications from other parties. Q. Are you going to let them have them ? A. It is a matter we do not control. Q. Who does control that ? A. The city authorities. 3718

Q. Then you cannot get them there if you want to ? A. Not at all ; we could not station them there unless the city authorities permitted. Q. Do you not think you would lose a good deal of business by people getting into cars instead of employing your cheap cabs ? A. I don't think they would. Q. Why not ? A. People who use cabs, in my opinion, are those who like to ride in cabs. Q. Do you think anybody would rather pay you 25 cents a mile than to get in a nice velvet plush car with two fine horses to go up and down Broadway ? A. I think a great many would. Q. Do you think there would be just as much money if cars are there as there is now ? A.

- 3719 Yes, sir. Q. Do you think you go faster than omnibuses? A. Yes; certainly. Q. Do you think you go faster than horse-cars? A. No, I don't think we do. Q. At what rate do you go up and down Broadway? A. I can't say as to that; of course it depends altogether upon the horse and the condition of the street and also the driver. Q. Generally, do you go more than six miles an hour? A. No; I shouldn't suppose we did; it ought to take a half an hour to go from Fourteenth Street, or nearly so, down to Wall Street or Broad. Q. That would be good time for one of your cabs? A. Well, we like to confine the drivers to that, but they often make better time. Q. Why would you like to confine them to it from Fourteenth Street to Wall Street?
- 3720 A. To save the horses. Q. Is that about as well as a horse ought to do up and down Broadway with one of your little cheap cabs? A. It is about as good as they can do with all the obstructions that they have. Q. What obstructions have they? A. They have to keep turning out all the while; you cannot drive in a direct course. Q. Why not? A. Because there are too many other vehicles in Broadway. Q. Is Broadway crowded, or what you call crowded? A. Yes, sir. Q. Is there any street in the city so crowded as Broadway? A. Yes, sir. Q. What street? A. Fulton Street. Q. Whereabouts in Fulton Street? A. From Broadway. Q. Is there any other place in the city that is so crowded? A. Yes, sir; Nassau Street. Q. Any other place? A.
- 3721 Yes, sir; take it over on the west side there, Washington Street and Greenwich Street; they are often detained there with carriages for a long time when there is any obstruction in the street—when they are blocked. Q. And West Broadway? A. No, not West Broadway. Q. That doesn't bother you much? A. Down there in the neighborhood of the market. Q. Do you drive much yourself? A. No. Q. How long is it since you have been driving much? A. I never did drive. Q. In regard to Broadway, if I understand you, as quickly as the stages are off and the horse-cars are put on in their stead, there will be more room for your cabs to go up and down? A. Yes, sir. Q. And you think there will be more of them there? A. Well, I don't know that; I hope there will be more. Q. You spoke of the cheap cab business—what is the other part of the business of your company? A. The ordinary livery business.

Q. General livery business? A. Yes, sir. Q. At 3722
 what rates do you charge for general livery business?
 A. For what service? Q. For any service;
 by the mile or hour or how? A. Both. Q. How
 much an hour? A. A dollar and a half an hour for
 a carriage. Q. How much for a cab? A. A dollar
 for a cab. Q. Then the second hour how much? A. A
 dollar; a dollar and a quarter we charge for cabs the
 first hour. Q. The second hour a dollar? A. Yes,
 sir. Q. The cheap cabs? A. A dollar. Q. And the
 second hour? A. A dollar. Q. And by the mile
 how much? A. Twenty-five cents. Q. For one or
 two passengers? A. For one or two passengers;
 yes, sir. Q. How long does it usually take for a
 carriage to go from, say Union Square, or the next
 block above where you keep some of your cabs, 3723
 down to Wall Street and back? A. About an hour.
 Q. That is as well as they can do in ordinary driving?
 A. That is about the average. Q. How did
 you come down town this morning? A. I came down
 in the stage. Q. From where? A. From Twelfth
 Street and Broadway. Q. You came right through
 from your stable at the corner of Twelfth Street and
 got into the stage and came down. A. No, sir; I
 was on Broadway. Q. Did you walk there or how
 did you get there? A. From my office? Q. Yes?
 A. I walked there; yes, sir. Q. You got on the stage
 in Twelfth Street and came down? A. Yes, sir. Q.
 Was anybody else in the stage? A. I didn't walk direct
 from my office; I got on near Twelfth Street and
 Broadway. Q. Was anybody else in the stage? A. I 3724
 think not when I got in. Q. The people kept getting
 in? A. Yes, sir. Q. And getting out? A. Yes, sir. Q.
 They were getting out and in as you came down
 from there? A. Yes, sir. Q. In your opinion
 would there be any more people riding in cars than
 stages? A. If there were cars on Broadway I believe
 there would be. Q. How many more? A. I
 think people would be drawn from the east side and
 the west side of Broadway and would come down in
 the cars. Q. You think there would not so many
 people go down University Place? A. Yes, sir. Q.
 Nor so many down Fourth Avenue? A. Nor
 Fourth Avenue. Q. Nor Third Avenue? A. Except
 certain times, when they are all busy. Q.
 When would that time be? A. Mornings and evenings.
 Q. How many times as many passengers do
 you think would be carried on the horse-cars as are

3725 now carried on the omnibuses? A. I don't think the increase would be as great as the elevated road brought about; but I think the increase would be very considerable. Q. About how many times? A. I don't know how much increase has been brought about by the elevated roads—what proportion; I am not an expert; I have no interest in railroads. Q. You are an expert in the traveling business? A. I believe the more accommodation we give, the greater will be the demand for that accommodation; I live up in Harlem myself, and I can see the increase there by reason of the elevated roads. Q. The increase where? A. The increase in travel; I don't see but what the surface cars have about as much to do as they had before; and it seems as though they had all they could before; and now the elevated cars take a good many people.

Q. Did the elevated road, in your judgment, take away people from Broadway, below Fourteenth Street? A. I should suppose it must have taken people who otherwise would have traveled on Broadway, but it seems to me Broadway is as full now as it ever was. Q. Do you mean full of people? A. Full of people. Q. And full of teams? A. Full of teams. Q. Are you on Broadway much? A. Yes, sir. Q. That is your judgment about it, is it? A. Yes, sir. Q. At what times of the day are you in Broadway? A. All times in the day. Q. And it seems to you to be full? A. Yes, sir. Q. All parts of Broadway below Fourteenth Street? A. Not 3727 equally full; no, sir. Q. But as full as ever? A. I think as full as ever; yes, sir. Q. Which part of Broadway seems to be most crowded? A. Below Fourteenth Street. Q. Yes? A. From the Post Office down. Q. Do you have any objections to omnibuses personally? A. None at all. Q. You ride in them? A. I like to ride in them. Q. You like them better than cars? A. Yes, sir. Q. Why? A. I rather like the motion; it gives a little exercise, and they are not so crowded. Q. It is more like one of your cabs? A. Yes, sir. Q. One of your cheap little cabs, I suppose; I am glad to find a man who likes an omnibus, and a witness, too, on the other side; you don't tell your daughters not to ride in omnibuses, do you? A. They don't ride in them. Q. Do they go down town much? A. Yes, sir. Q. How do they go down town? A. They generally go on the steam train to Forty-second

Street; we live very near the depot. Q. But there is no prejudice in your family, or the children are not brought up on the idea that they should never get into an omnibus? A. No, except it is not quite as convenient for ladies as it is for a man; that is all. Q. In going up and down Broadway, how do you generally go? A. If I am near Broadway I take an omnibus. Q. Rather than a horse-car? A. If I want to make good time I generally go over on the Fourth Avenue or take the elevated. Q. How do you think you could get to Wall Street in the quickest time from your place on the corner of Twelfth Street and University Place? A. Take the elevated. Q. Which road? A. At Ninth Street. Q. How would you get to Ninth Street? A. Walk there. Q. Do you think that you could walk from your place in Ninth Street and get down to Wall Street quicker by the elevated road than any other way? A. If I wanted to get to the corner of Wall Street and Broadway I would take the Sixth Avenue road. Q. The Sixth Avenue Elevated? A. Yes, sir. Q. You could go quicker that way than you could on one of your cabs? A. I would be surer of it; but if we had pretty good luck, we could do better with our cabs. Q. What do you mean by luck? A. Having the street clear. Q. Is not Broadway generally clear? A. No, sir. Q. When is it crowded? A. I hardly know when it is not crowded, unless we take it in the middle of the day; there is usually room then. Q. In the middle of the day, when the truckmen are off at lunch, there is room. A. In the afternoon it is considerably pretty crowded, from the Post Office down. Q. Is it your judgment that horse-cars in the street are a benefit to travel in that street? A. Yes, sir.

Q. You would rather have them than not? A. Well, do you want me to speak as regards my business? Q. As regards your business or the public business. A. So far as my business is concerned I would rather there were no cars. Q. Anywhere in the city? A. Anywhere; certainly. Q. No omnibuses? A. Yes, sir. Q. Nothing but Ryerson & Brown's cheap cabs? A. So far as we could supply the demand. Q. But outside of any particular interest that you have as an owner of cheap cabs, and asking you as a man of experience in the driving of cabs and owning of cabs, is it your judgment that for the uses of a street by general vehicles of all

- 3731 kinds—light vehicles and trucks—it is an advantage for them to have the railroad in the street rather than not? A. Of course, I would rather not have the railroad; you speak of the use of the street for our vehicles? Q. Yes. A. The clearer the street the better we like it. Q. Why? A. We have a better chance to drive. Q. Why would you like to get rid of street cars in a city? A. We would like to get rid of anything in the way of a vehicle that would be an obstruction. Q. Suppose there were no cars running on a track, and it was a busy day; there were tracks but no cars; do you think those tracks would be an obstruction? A. Of course, it is an obstruction to a certain extent. Q. How so? A. Because you have to drive across them. Q. That is troublesome, is it? A. That is troublesome; yes,
- 3732 sir; to a certain extent—and, of course, there are times when the tracks are convenient for carriages. Q. When is that? A. If there were no cars on the street, and there were tracks there, and we could have the use of the tracks in going up and down, then it would be a benefit; of course, we would escape all the rough pavement. Q. You would then run in the tracks? A. Yes, sir; we should run in the tracks. Q. You would be a horse-car then? A. Of course, that is an impossible thing. Q. But, so far as tracks do exist in the streets, they are objectionable rather than an advantage? A. Certainly. Q. There is no doubt about that, is there? A. Yes; I should say that they were objectionable rather
- 3733 than favorable to it. Q. When you come to put horse-cars on them, as I understand it, you think that fifty to seventy-five horse-cars would be better than fifty or seventy-five omnibuses? A. I think they would; yes, sir. Q. They would make less obstruction? A. They would make less obstruction. Q. Why? A. Because the principal damage done by these stages is with their infernal poles; they switch around about; and our drivers say it is pretty hard to keep out of the way of them; now, a car has no pole; of course, I have never measured, but, I think, the length of the car is about the same as the length of a stage with the pole, and, as you can see, there is nothing like the risk of damage to be done by running horses into a carriage, that there is with a pole. Q. You are not so afraid of horse-cars as of poles? A. No, sir; I don't think there is anything like the risk; no, sir; we know where to

find the car, and we don't know always where to find the stage. Q. Do you think stages are worse than trucks—the same number of stages, and the same number of trucks? A. Yes, sir. 3734

Q. Why? A. Because the stage driver's attention is often diverted from his horses in making change; only two or three days ago we had a serious breakdown; a cab came in our place in five or six pieces. Q. You refer to the driver of the — A. The driver of the stage; he didn't see where he was going. Q. He ran into your cab? A. Yes, sir. Q. What was your cab doing? A. It was a slippery time up there on Fifth Avenue, and probably they were both to blame; our driver said there was something to his right and he could not drive over, and the stage man was not looking at his horses. Q. Did you talk to the stage man about it? A. No. Q. 3735
You only got one side of the story then? A. No, sir; we took the statement of the driver and the statement of the passenger. Q. Was it one of those Hansom cabs? A. No, sir; it was one of our private cabs; it was a four wheeler. Q. Then the man in the carriage couldn't see much, could he? A. I don't know; the mishap was on the side; and there was a front window to the cab as well as a side window. Q. You got those two statements? A. Yes, sir; we got the statement from the driver and the passenger. Q. Do you not think that a line of cars is more likely to be blocked up in a crowded street like Broadway than the same number of omnibuses? A. No, I think not. Q. Suppose something has fallen down on Broadway on the track; that would block the horse-car, would it not? A. Yes, sir; but 3736
wherever an accident happens on a railroad there is so much involved that they remove that obstruction at once; I have very often seen a very serious breakdown on Fourth Avenue with these freight-cars; and all the machinery of the railroad is brought to bear at once, and they remove that obstruction; I do not think that they have any such system for removing broken-down stages as they have for removing broken-down cars. Q. I am not speaking of broken-down stages or cars. A. You spoke about obstructions. Q. I want to know if, in your judgment, a car running up and down Broadway is not more likely to be blockaded there for a shorter or a longer time than a stage? A. I think not. Q. Is it

3737 not more likely to be blockaded by something that has fallen on the track than a stage would be? A. Yes; of course. Q. Is it not more likely to be blockaded by something that sticks out into the street and stops the car going by than would be the case with a stage? A. Certainly; it can't go by at all if there are any obstructions there until it is removed. Q. It can't go by; if there is anything that does block it, it has no facility to go to one side? A. Yes; I have seen them remove cars very often and bring them around an obstruction. Q. Do you think that is a practicable thing in Broadway, as it is? A. I certainly think it is; yes, sir. Q. Is it not your opinion that cars are more likely to cause blockades than stages? A. I think not. Q. 3738 Your judgment as to cars and stages is this: That there is nothing to be said in favor of stages as compared with cars, as I understand it, so far as being blockaded, or the blocking of other vehicles? A. I think that all people who drive vehicles of any kind keep out of the way of cars easier than they do of stages, because cars have the right-of-way, and they arrange things accordingly; of course, I have had no experience in driving up and down Broadway; I only know from what happens in our business.

Q. You have never driven at all yourself? A. Very little; I have driven, of course. Q. But not to a great extent? A. No, sir. Q. What particular interest have you in this horse railroad? A. Not the slightest. Q. Did you not try to persuade Mr. 3739 Gill that he had not better come as a witness? A. No, sir. Q. Did you not tell him that he had better not come to testify? A. Parties came to see me, and I spoke to Mr. Gill about it; I told him he might do just as he chose; I am not here representing any company. Q. Did you not try to persuade Mr. Gill that he had not better come to testify? A. No, sir. Q. Did you not use words to him to that effect? A. No, sir. Q. Did you not, when gentlemen came to your office and inquired where Mr. Gill was to be found, tell them you did not know where he was to be found? A. I don't know yet. Q. You did not tell where his address was? A. No, sir.

By Mr. Scribner:

Q. What was Mr. Gill's business before he became secretary or vice-president of the cab company? A. I think he was connected with a paper; a repor-

ter, I think. Q. A reporter on a newspaper? A. 3740
 Yes, sir; I think so. Q. You and Mr. Brown have
 been in this business of cabs for thirty years? A.
 Mr. Brown has; yes, sir. Q. On a slippery day
 such as to-day, do not your cabs uniformly take
 the railroad track in travelling the streets. If they
 can find one? A. When they can, certainly. Q.
 By choice? A. By choice. Q. That is for what
 reason? A. They get along easier, of course; they
 escape—— Q. The pavements are better? A. Yes,
 sir. Q. They are better adapted to the horses' feet,
 and the track is usually sanded when the street is
 slippery? A. Yes, sir. Q. Do your cabs fit the
 horse-car rails; is the guage the same? A. They
 generally run in right; of course we have different
 guages, but as a general thing it is a relief to travel 3741
 them. Q. As a general thing they are precisely so
 made that they will fit the tracks? A. I don't know;
 I can't speak about that. Q. If they do fit the guage
 of the track and there is no car in the way, as you
 have previously stated, you get along a great deal
 easier there than anywhere else? A. Yes, sir.

By Mr. Beaman :

Q. Which are the farthest apart; the front or the
 hind wheels? A. The hind wheels. Q. What is the
 difference in the space? A. I suppose 6 inches. Q.
 If either of the wheels fit the tracks it is the hind
 wheels, is it not? A. Yes, sir. Q. Are not the front
 wheels made narrower so that they will not get into
 the track and so that you can get out of the track 3742
 easier? A. Yes, sir. Q. That is the object? A.
 No; the main object is to turn short and cut under.
 Q. Does not the fact that they do not run in the
 tracks enable you to get out of the tracks easier than
 if they both ran in the track? A. Yes, sir.

By Mr. Fuller :

Q. You prefer cars in the streets to stages for the
 reason, if I understood you, that you know where
 the car is going generally and that you don't know
 where the stage is going to? A. Yes, sir; that is
 we know where the car is. Q. And you generally
 know the line they are going to take? A. Yes, sir.
 Q. But a stage you never can tell about? A. No,
 sir.

Q. Stage-drivers have to look after their change

- 3743 and at the same time they have to look after passengers, do they not? A. Yes, sir. Q. So that their attention is divided between driving and looking for passengers and making change? A. Yes, sir. Q. So that it is not unreasonable that they should run their poles into carriages once in a while; do not stage-drivers, as a rule, depend upon their poles to clear the way? A. They often do clear the way with the poles. Q. You were asked if a horse should fall down in front of a car what he would do? A. He generally gets up again, as a rule. Q. As a rule he gets up? A. Yes, sir. Q. And they go on just as they would if they fell down in front of a stage? A. Yes, sir. Q. Do you not think that by having cars on Broadway it would attract people to Broadway and increase the travel over Broadway? do you not find, as a rule, the more travel you get on a street the more trade you would have in your business? A. No, I don't think it would affect our business except for the cheap cabs. Q. That would give you increased business? A. Yes, sir. Q. For instance, if there were 50,000 people travelling over Broadway to-day you would be more likely to have use for your cabs than if there were ten or five thousand? A. Yes, sir.
- 3744

By Mr. Beaman :

- Q. Do you think that if a horse railroad ran through down Broadway it would bring people to Broadway, and make more business all along Broadway of all kinds? A. I believe the greater the crowd the greater the business. Q. And Broadway would be more crowded than ever, would it not? A. I never heard of any complaint against the obstruction of Broadway from the crowd of passengers on the sidewalk. Q. If it brings business there it brings business of all kinds? A. Yes, sir. Q. Are you in favor of a cable road being down Broadway? A. I know nothing about it; no.
- 3745

FRANCIS A. PALMER, called as a witness on behalf of the Broadway Surface Railroad Company, being duly sworn, testified as follows :

By Mr. Scribner :

- Q. How long have you resided in the City of New York? A. Since November, 1831. Q. That is 54

years? A. Yes, sir. Q. Where is your present residence? A. 180 Madison Avenue, and Stamford Connecticut. Q. You are the president of the Broadway Bank, are you not? A. Yes, sir. Q. And you have been from the time of the organization of that bank, have you not? A. Yes, sir. Q. That was in what year? A. 1849. Q. Does the Broadway Bank own its own banking house? A. Yes, sir. Q. And that is situated where? A. Corner of Park Place and Broadway; 237 Broadway. Q. What is the frontage of the Broadway Bank on Broadway? A. 25 feet 10½ inches. Q. What is the depth on Park Place? A. 122 feet.

Q. Does that bank also own some adjoining property on Broadway? A. No, sir. Q. Does it own other property on Broadway anywhere? A. No, sir. Q. You have been familiar with the streets of the City of New York, and especially on Broadway, and the character of its travel, for a great many years, have you not? A. I have. Q. Are you aware of the fact that, twenty years ago, there were a great many more stages running on Broadway than there are now? A. Yes, sir. Q. Were you at that time interested in stages? A. I sold out my interest in 1848; that is over twenty years ago—thirty-six years ago. Q. In 1864, at about the time of the establishment of the Broadway and Seventh Avenue Railroad, there were more stages running on Broadway than there are now? A. Yes, sir. Q. Do you call to mind what other lines were then running that are not now in existence? A. Do you want me to name them? Q. Yes, so far as you can from memory? A. In the first place, there was the Bleecker Street line, Knickerbocker line, the Amity Street line; at one time there was a Fourth Street line, Eighth Street line, and Ninth Street line, and a Fourteenth Street line, and a Ninth Avenue line; and there was a Broadway and Fourth Avenue line; and a Broadway, Astor Place and Tompkins Square line, running over on the east side. Q. Where was the Red Bird line? A. I don't know any Red Bird line. Q. Or the Yellow Bird line? A. The yellow stages used to run down Ninth Avenue; Fourteenth Street, and Ninth Avenue. Q. Where was the Telegraph line; what line was that? A. The Telegraph line ran across Grand Street to Canal Street, and across down to Cortlandt Ferry. Q. Was there a line of stages running in East Broadway? A. Yes,

3749 sir; they were taken off then. Q. All these various lines that you speak of made use of Broadway, south of Canal Street, or portions of Broadway, did they not? A. All but the East Broadway lines. Q. Did the removal of those stages, in your opinion, tend to facilitate travel on Broadway?

Mr. Beaman: I object to this evidence as incompetent, as not in rebuttal, and as cumulative; and I ask that the same objections may be considered as made to all the testimony of this witness.

Objection overruled; exception taken by Mr. Beaman.

A. Yes, sir. Q. Are the crowds, or the obstructions, or the blocks on Broadway, as frequent now as they were twenty years ago, when those stages were running? A. I think not. Q. In your opinion, would there be any difficulty in operating a horse railroad on Broadway, between Fourteenth Street and the Battery? A. I think there would be some difficulty, but not insurmountable difficulties. Q. In your opinion, would the construction and operation of a horse railroad on Broadway, between the Battery and Fourteenth Street, be a public advantage? A. I think it would. Q. In your opinion, is there now, or has there been for some years past, a public demand and public necessity for a railroad on Broadway, between the Battery and Fourteenth Street? A. I think there is a necessity for it; yes, sir. Q. In your opinion, would the construction and operation of a railroad on Broadway, between 3751 the Battery and Fourteenth Street, tend to improve the market value and rental value of property on Broadway? A. It would increase it very much. Q. You are in the habit of driving your own team down Broadway sometimes, are you not? A. Yes, sir. Q. Is there, in your opinion, any insurmountable objection to the operation of a railroad anywhere between Fourteenth Street and your bank? A. No, sir.

Mr. Beaman: I move to strike out the testimony of this witness as incompetent, as not in rebuttal, and as cumulative.

Motion denied; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman:

Q. You say you sold out your interest in some omnibus line, in 1848, if I understood you? A.

Yes, sir. Q. What line was that? A. That was 3752
this Knickerbocker line running on Bleecker Street.

Q. What interest did you have in that line? A.
One-half interest. Q. Where did it run? A. We

run from Twenty-third Street down Eighth Avenue
to Bleecker Street, and Broadway to South Ferry.

Q. How many omnibuses were in it? A. How many
had we? Q. Yes, at that time? A. Probably fifty;

in the neighborhood of fifty. Q. How long had you
been connected with it? A. I have been connected

with that I think since 1841. Q. How did you
begin your connection with that line? A. By buy-

ing in half of it. Q. Had you ever had any con-
siderable experience in driving an omnibus yourself?

A. I have got on it occasionally to try a pair of
horses, as I would now, if I owned an omnibus line. 3753

Q. You would drive for the purpose of seeing how
omnibuses are driven, and how the streets were?

A. Yes, sir. Q. You were connected with this
omnibus line from 1841 to 1848, were you? A. Yes,

sir. Q. Did that omnibus line serve the public con-
venience then? A. To the extent of our ability, we

did. Q. You gave as good a line as you could to
the city? A. Yes, sir; we did. Q. Have you any

personal objections to omnibuses to ride in? A.
No; I prefer them. Q. Why? A. I am used to

them; I like the motion of them; I ride every day,
and sometimes twice a day; most generally twice a

day, in an omnibus now. Q. Where do you go?
A. I go home; 180 Madison Avenue, to the bank.

Q. You go in what omnibuses? A. In the Madison 3754
Avenue line, sometimes Fifth Avenue line. Q.

Would it be a convenience to you to have that line
taken off? A. No, sir. Q. It would be an incon-

venience? A. Yes, sir. Q. Do you not think it would
be an inconvenience to the public to have that line

taken off? A. I think it would be an inconvenience
to the people on Madison Avenue. Q. They take a

great many people in Madison Avenue down on that
line? A. Yes sir. Q. Both going down and coming

up town? A. Yes, sir. Q. And people get in and
ride up-town and down town, and *vice versa*?

A. I would like to understand that question again. Q.
Is not that line used to a considerable extent by

people who get in on Broadway below Fourteenth
Street and come up to Madison Avenue, or by

people on Madison Avenue who get in there and go
down Broadway to Fourteenth Street? A. Yes,

3755 sir; it is used, I think, for what they call transient travel; there are a good many short riders; you will see a whole line of passengers get in at Fourteenth Street and go up.

Q. Go home? A. Yes, sir. Q. And so it is with people going up town, is it not? A. Yes, sir. Q.

What ferry does that line go to? A. Wall Street.

Q. Is it used a good deal by people to go to Wall Street Ferry? A. I don't know; I never went down

in it to Wall Street Ferry. Q. As you get in the afternoon to go home, do you find people in them

already? A. Yes, sir; people are in them generally.

Q. Do you consider that it would be to the public advantage, or disadvantage, to have that omnibus line taken off that runs to Fulton Ferry?

3756 A. Probably they would supply some other means of carrying people there; but they certainly ought to have some accommodation there. Q. Why? A.

Because they can ride more conveniently than they can walk, I suppose. Q. They want some convenience for them to get from that ferry up to Broadway

and to various parts of the city? A. Yes, sir. Q. Your bank is near Fulton Street, is it not? A.

Corner of Park Place. Q. Do you notice the Fulton Ferry stages much? A. I ride in them occasionally.

Q. When have you ridden in them? A. Going up town in the afternoon, usually. Q. You go up

Fifth Avenue? A. I get out at the corner of Thirty-fourth Street. Q. Then you walk over? A. Yes,

sir; it is only a block. Q. Would it be a convenience or an inconvenience to the people to have those

3757 stages taken off? A. I think they are serving the public very well. Q. How so? A. By carrying

people in them. Q. You find the public use them? A. The public are using them; yes, sir. Q. Did you

find the people using them who get in on Broadway below Fourteenth Street and get out at Fifth

Avenue? A. They get in on Fourteenth Street to go up frequently; I notice a great many get in going

up town. Q. A great many people get in all along from Canal Street to Fourteenth Street? A. Some.

Q. Do you often go down in them in the morning? A. It depends on what part of the road; when they

start they don't have many people in them; they don't have many people until they get below Twenty-

third Street when I come with them, from Twenty-third Street down they carry more passengers than

above there. Q. Where do the people who get in

at Twenty-third Street get out? A. At various 3758
 places. Q. Below Fourteenth Street? A. I think
 they do; yes, sir. Q. That line of stages goes to
 Fulton Ferry; do you know whether they bring
 many passengers to Fulton Ferry or not? A. I
 don't know that I have ridden down there in twenty
 years. Q. You do not know whether they carry
 many passengers down there? A. I see they are
 running pretty full down there; that is all I know
 about it. Q. They are running pretty full when
 they pass your place? A. Yes, sir; in the after-
 noon. Q. And they are running pretty full when
 they come up in the afternoon! A. Not so full. Q.
 Do you often use the South Ferry line—the Twenty-
 third Street line? A. Not often. Q. Does that
 line serve a public convenience, as you understand 3759
 it, going to the ferry, and then going over on the
 west side up town? A. I think they do. Q. It
 would be a disadvantage to the public to have them
 taken off, would it not? A. Unless they substitute
 something else; I think now it is a public conveni-
 ence; I think they are all public conveniences at
 the present time.

Q. And they serve a public convenience above
 Fourteenth Street? A. I think so. Q. And also
 after they leave Broadway? A. Yes, sir; there is
 no doubt about it—to people who want to go to the
 ferries. Q. You heard Mr. Ryerson talking about
 the peculiarities of the omnibuses and their poles,
 did you not? A. Yes, sir. Q. Is it your opinion
 that an omnibus is any worse of an obstruction, or 3760
 a street-car, than a loaded truck? A. I don't see
 why it should be. Q. There is nothing that you
 know of about an omnibus that makes it any worse
 than a truck, is there? A. No, sir. A. Is there
 anything that you know about the peculiarity of
 drivers of omnibuses that makes them any worse
 for the public convenience than drivers of other
 vehicles, stages, cabs and trucks? A. I don't know
 that they commit any more depredations than other
 drivers. Q. Your experience does not run that way?
 A. No, sir. Q. You have spoken about a line of
 omnibuses that were afterwards taken off; do you
 know how many in all of the omnibuses were taken
 off? A. You would have to go to the Clerk of the
 Common Council to tell you that. Q. Were there
 more than 300 in all? A. I think so; I have seen the
 numbers up as high as above 500. Q. Of the differ-

- 3761 ent omnibuses? A. Yes, sir. Q. Do you think there were as many as 600? A. I should think so. Q. When those were taken off, of course there was a certain relief to Broadway, as I understand it? A. There was at the lower end, where it was crowded, yes, sir. Q. But they did not cause any more relief than the taking off of so many other vehicles that were regularly going up and down, did they? A. Probably not. Q. Has not their place been filled by other business, as you see Broadway? A. I don't think there has; I don't think there is as much crowd as there was twenty years ago. Q. You do not think Broadway is used as much? A. I don't think there are as many crowds there; I think probably there are as much at the corner at
- 3762 Fulton Street; Broadway may be used as much; there is as much crossing at Chambers Street and West Broadway as any other part of New York, and there they have three lines going down and two going up, and they are not detained there a great deal. Q. You have not often ridden there, have you? A. I have ridden there often. Q. When last? A. Yesterday morning. Q. What were you in? A. A car. Q. There was no detention yesterday morning? A. No, sir. Q. Taking you back to Broadway again; is it your opinion that there are less vehicles on Broadway now than there were fifteen years ago? A. There is another consideration to that; you will find that the trucks that are carrying merchandise at the present time will carry three
- 3763 or four times as much as a cart would twenty years ago; you will find a large heavy truck will carry as much as four carts used to; that makes less vehicles. Q. That is an advantage to the public, is it not? A. That is an advantage, yes, sir. Q. The more you can carry at one time the better for the public? A. Yes, sir; there is no doubt about that. Q. Why? A. Because there are less vehicles. Q. And anything that takes vehicles off of Broadway would be an advantage; that is your judgment about it, is it? A. Certain kinds of vehicles; I don't want to take the travel off at all.
- Q. Anything that would take the travel off would hurt Broadway? A. Yes, sir, I think so. Q. Do you not think the greater part of Broadway and its business is represented by its vehicles, or the things that are going up and down Broadway; that is an index of the commerce and the business that is taking place in the city, is it not? A. Not alto-

gether. Q. What purpose would you have Broad- 3764
way used for. A. I would have it for business pur-
poses; I would have it for travel as much as possi-
ble; some gentlemen proposed forty years ago to
widen Church Street and make it 75 feet wide in
order to take heavy trucks up and down Church
Street and keep them off of Broadway. The great
difficulty of Broadway is the trucks; the trucks and
omnibusses are what block Broadway; but they
have driven off; probably you will remember when
this building was occupied here, all this building, as
a retail store; and I have seen this lower end of
Broadway by the Park filled in the afternoons with
ladies; you would see the street full on both sides;
now you do not see respectable ladies walking down
here in the afternoon; you do not see them below 3765
Canal or Eighth Street. Q. That would not be
changed if the horse-cars were here, would it?
A. I think it would; I think it would bring
them down here and help business. Q. Do
you think retail stores would come down here
again? A. I think there would be more on
Broadway than there are now. Q. And less
wholesale business? A. I do not know about
that. Q. If there is more retail business there has
got to be less wholesale business? A. There are a
great many vacant stores on Broadway. Q. Where-
abouts? A. I guess you can find it in this building;
not one-third occupied. Q. This building has only
been ready for offices for a little while? A. I don't
recollect for the last thirty years a piece of property 3766
changing hands from Canal Street to Eighth Street.
Q. People are holding on to their property, are
they? A. A great many hold on and they do not
sell, and they cannot rent. Q. Are there not ten
times as many offices on Broadway as there used to
be? A. I don't know; I have never counted them.
Q. Has not this building that we are now in, known
as the Stewart Building, more offices in it than were
between here and Fulton Street twenty years ago?
A. I don't know how many there are; I doubt that
though. Q. Give your best judgment about it;
you know about the size of the building, and you
know what was in Broadway at that time. A. I
don't know how many offices there are here myself;
I have never been in the building since it was
changed. Q. Suppose they were all as large as
this? A. How many would there be then? Q.

3767 I want to know of you if there are not more in this building than there were between here and Fulton Street twenty years ago? A. I don't think there are. Q. You don't own any office property? A. We have offices in our building. Q. What is the number? A. 237 Broadway. Q. Are there vacancies there? A. There will be, the first of May, I suppose. Q. There are none now? A. None now; no sir. Q. How long is it since there has been any? A. Two years ago. Q. You said that you do not think there was any insurmountable difficulty about a horse railroad on Broadway; what do you mean by that? A. I mean this, that there is difficulty in running any carriage on Broadway now.

Q. There is difficulty? A. There always will be
3768 difficulty; there is no doubt about that; there will be blocks occasionally, as there have been blocks, for the last fifty years, there have been blocks on Broadway. Q. And there always will be blocks on Broadway? A. Yes, sir. Q. You always want blocks to be there? A. Always want them to be. Q. Because it shows there is business? A. I think there will be blocks occasionally, when cars get to running there; I have no doubt about it; but I do not think there will be any more blocks then than now, and probably not so much. Q. Is that your judgment about it? A. Yes, sir. Q. Even if the stages are taken off? A. I presume they contemplate taking the stages off when they put a railroad on. Q. You do not suppose they would both get
3769 along together? A. I don't suppose about it; my supposition was, that the stages would be taken off, and they would run a railroad track there. Q. Do you know how many stages there are on Broadway, between Fourteenth Street and the Battery now at a time? A. I don't know exactly; three lines are running, I know; they run probably sixty or seventy-five stages; I suppose they run according to the call of business. Q. They run according to the call and demand? A. I think so. Q. That is, whatever business there is for stages, they are ready to fill? A. Yes, sir; I think so. Q. And they do answer the public demand in that way? A. I think so. Q. Which, in your opinion, goes the best up and down Broadway, a stage or a horse-car; say from the Battery to Fourteenth Street; which would be the best, a stage or a horse-car? A. My experience is from Twenty-third Street to Seventeenth Street,

where they run together, that the stage will pull 3770
 out alongside the truck and let the cars go by ; and
 they might pursue the same course, if they were
 running on lower Broadway. Q. I am supposing
 that they were both running at one time ; but take
 Broadway as it is, all the vehicles in it, and take the
 stages as they run up and down to-day, if it is a
 good clear day, and take the horse-cars as they run
 up and down under the same circumstances, the
 stages being off, which, in your judgment, would
 make the better time between Fourteenth Street and
 the Battery ? A. The cars would make the better
 time. Q. Which, in your judgment, make to-day
 the best time between Seventeenth Street and the
 Astor House, the cars or the omnibuses ? A. I can-
 not tell you ; I have not timed them. Q. You have 3771
 no opinion about it ? A. I have timed them from
 Forty-second Street down to the Post Office, and I
 find I can get down on the Fourth Avenue car to the
 Post Office, about five minutes sooner than if I take
 an omnibus. Q. On that fact, you base your opinion
 about the omnibuses ? A. I think so.

By Mr. Scribner :

Q. It would be possible, with the withdrawal of
 the stages from Broadway, south of Fourteenth
 Street, to accommodate the Madison Avenue people
 with a line running from Fourteenth Street, would
 it not ? A. Yes, sir. Q. Would a Broadway car,
 running from the Battery and connecting with 3772
 the Broadway and Seventh Avenue Railroad, with-
 out any change of cars, and with one fare, accom-
 modate the Madison Avenue people pretty nearly as
 well as they are accommodated now ? A. No, sir ; I
 think not ; they have a considerable way to walk—
 two blocks ; people do not walk two blocks as
 readily now as they did fifty years ago ; they used
 to walk a mile, or two miles, and think nothing of
 it. Q. It would be possible to run a street line of
 stages down Fulton and Wall Street to the ferries ?
 Yes, sir.

Q. When you drive your own team you drive a
 light wagon down town ? A. Yes, sir. Q. You do
 not find any crowd on Broadway between Four-
 teenth Street and Park Place that interferes with
 the driving of your light wagon, do you ? A. No,
 sir ; when I drive down in my buggy I never have
 any difficulty ; I drive because I like to drive. Q.

3773 In your opinion, would this building be more rapidly filled up with tenants if there was a horse railroad on Broadway? A. I think it would.

By Mr. Beaman :

Q. The tenants would come from other places would they not? A. They might. Q. It would not increase the whole number of tenants in New York? A. It would increase them on Broadway; we would get our share. Q. In coming down Broadway in your light buggy, do you find any trouble with omnibuses? A. No, sir. Q. They do not bother you at all? A. They do not bother me.

By Mr. Scribner :

3774 Q. They know you pretty much, all of them, do they not? A. Yes, sir.

By Mr. Beaman :

Q. Do you know most of the drivers on these stages? A. I do not know one. Q. You think they know you? A. Probably they do. Q. How? A. By seeing me drive down in my wagon. Q. Do you think they will look out for anybody they know? A. They may. Q. Is that your judgment? A. I only know as far as my own experience. Q. Do you think they are treated by the omnibus people better than by anybody else? A. I don't know; I have driven a pair of black horses, and anybody
3775 who sees them once will remember them. Q. Fine horses? A. A good pair of horses, and I like to drive them. Q. Do omnibus drivers generally maltreat people in their own carriages? A. I don't think they do. Q. Or ordinary cabs; you do not think they are rough on them? A. I have driven fifty years, and I never was run afoul of by any one except by one man, and that was a wild man on the other side.

By Mr. Fuller :

Q. Do you think that if cars were running in Broadway from the Battery to Fourteenth Street, the stages could live on Broadway; do you not think the cars would run the stages off? A. That has been our experience ever since they run on the Bowery. Q. In other words, if a car line is running parallel with a stage line, the stages cannot

live? A. They have the preference; yes, sir. Q. 3776
 People prefer riding in the cars to the stages? A.
 People generally do, yes, sir; and the cars can carry
 twice as many passengers as the stages can, and
 only take up the same room.

By Mr. Beaman:

Q. Do you think the amount of travel up and
 down Broadway is increasing or diminishing within
 the last twenty years—I mean the general travel? A.
 It has diminished; diminished very much. Q.
 What is the cause of this diminution? A. The car-
 rying of people on the side streets; instead of let-
 ting them go up and down Broadway, you take
 them up on these cars. Q. The horse-cars? A. 3777
 Yes, sir. Q. And the elevated roads? A. Yes, sir.
 Q. You think that has hurt Broadway? A. I think
 it has hurt it very sensibly.

Q. Do you think having a railroad on Broadway
 would have the effect of bringing people back from
 the side streets? A. I think it would, gradually;
 not all at once; but they would gradually work
 back. Q. Do you think it would affect the people
 going up on the elevated railroads? A. Not so
 much those, but it would the people who go on the
 side streets. Q. That would hurt the Church Street
 region? A. I think so, some. Q. It would take
 their business away? A. Not to any very great ex-
 tent, but I think it would some. Q. How many
 more people do you think would go down Broad- 3778
 way between Fourteenth Street and the Battery in
 horse-cars than now do so in omnibuses? A. Three
 to four times as many. Q. You think three or four
 times as many every day? A. Yes, sir, I do. Q.
 Do you think they would do that if there was no
 connection between this Broadway line and the rest
 of the city without paying extra fares? A. The
 more connections you make at the upper end with
 the lower end, the more it increases the travel on
 Broadway. Q. Assume that this line stops at Broad-
 way and Fourteenth Street and you cannot go any
 farther— A. I have not taken that into consider-
 ation. Q. Are you one of the parties interested in
 this road? A. I have no interest in either of them.
 Q. None at all? A. No roads or stages. Q. All
 sold out? A. All sold out.

3779 *By Mr. Fuller :*

Q. You think that increased facility for riding brings an increase of travel? A. I have no doubt about that. Q. It would not necessarily injure these side roads, but a great many more people would travel if there is a railroad than go now? A. Great many more; I know a great many people who would ride in the car who would not ride in an omnibus.

By Mr. Beaman :

Q. And *vice versa*? A. Yes, sir; I am an old omnibus rider. Q. How many people go up and down in the stages? A. I don't know; you will
3780 have to ask some of the stage proprietors. Q. Are there any here? A. Yes, sir; Mr. Andrews is there.

RICHARD V. HARNETT, called as a witness on behalf of the Broadway Surface Railroad Company, testified as follows :

By Mr. Scribner :

Q. You are a real estate agent in the City of New York? A. Yes, sir. Q. Have you been engaged in real estate in this city for a great many years? A. Yes, sir. Q. About how many years? A. Fully
3781 seventeen. Q. You are likewise a real estate auctioneer? A. I am. Q. You are familiar with the value of real estate in this city, and the rental value of real estate also? A. I am. Q. How many years have you resided altogether in the city? A. Over 40 years. Q. Have you all that time been familiar with Broadway and the character of travel on it? A. I am. Q. Is Broadway to-day as crowded as it was 20 years ago? A. It is not. Q. Is Broadway as crowded as it was 20 years ago between the Astor House and the Real Estate Exchange, Trinity Building? A. I would say, any point below Fourteenth Street. Q. It is less crowded than it used to be? A. It is less crowded than it was 20 years ago.

Q. Will you tell us what the condition of Broadway property is; tell us whether during the last five or ten years its market value, or its rental value, has appreciated or depreciated? A. It has depreciated; I will not say in every section of Broadway;

the lower part of Broadway has increased in rental value. Q. In consequence of the construction of the elevated railroads? A. Exactly. Q. Since the construction of the elevated railroad it has given a start to building? A. It has quadrupled. Q. South of what street? A. South of Rector Street. Q. Is Rector Street one of the prominent stations on the elevated road? A. It is, sir. Q. Probably more people are received and landed there than at any other station? A. Yes, sir, I think so. Q. In your opinion as a dealer in real estate, would the construction and operation of a street railroad on Broadway, with double tracks from Fourteenth Street to the Battery, assuming the stages to be withdrawn, be a matter of public advantage or disadvantage?

Mr. Beaman: I object to this evidence as incompetent, as not in rebuttal, and as cumulative; I ask that the same objection be considered as made to all the testimony of this witness.

Objection overruled; exception taken by Mr. Beaman.

A. I would add in addition—I would say that it would be necessary to have that railroad connect, or continue at one fare, with other roads, to be an advantage to Broadway. Q. Assuming a railroad to be constructed from the Battery to Fourteenth Street, to connect with the track of the Broadway and Seventh Avenue Railroad now existing, and that cars should be run from the Battery to Central Park on the joint tracks of the two roads, without change of cars and for a single fare of five cents, would that promote the public convenience of the people of New York City? A. It would, very largely. Q. Would the construction and operation of such a road in your opinion tend to the enhancement of the property on Broadway? A. I think so on Broadway, and on adjoining side streets. Q. On the side streets also? A. Yes, sir. Q. Those intersecting side streets would be largely benefited by the construction of such a road, would they? A. No doubt of it. Q. In your opinion would the construction and operation of a road, such as I have described, and operated in the manner I have mentioned, improve the rental value of property all along Broadway? A. I will not say it would improve the rental value on the whole line of Broadway, because there are parts of Broadway to-day where

3785 the rental value is at its maximum. Q. Those parts of Broadway are south of what street? A. South of Park Place. Q. Then between Park Place and Fourteenth Street what would you say? A. Without a doubt it would have a tendency to increase rents from 10 to 30 per cent. Q. To your knowledge are there many vacant stores between Chambers Street and Fourteenth Street on Broadway? A. Vacant stores? Q. Vacant stores, or parts of stores? A. There is a good deal of property vacant on Broadway between Chambers Street and above there. Q. Was that so twenty years ago; or ten years ago? A. Ten years ago it was not so; it commenced ten years ago. Q. It commenced about twenty years ago to be in a depressed condition of things? A. To see permanent signs, "to let."

3786 *Mr. Beaman*: I move to strike out the testimony of this witness as incompetent, as not in rebuttal, and as cumulative.

Motion denied; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman:

Q. Have you any stores to let on Broadway? A. No, sir. Q. Have you any in your office, under your control, to let? A. No, sir. Q. Have you any buildings to sell on Broadway? A. We have. Q. Where? A. I think that is rather a confidential matter; I don't know that I ought to expose my business to the public in that way; I simply say that we have property on Broadway; and the owners of the property might not feel disposed to have me make their private affairs public. Q. How many different pieces have you for sale on Broadway—I do not desire you to do anything that will hurt any of your clients? A. I would answer readily if it was not for that. Q. I ask you now about how many have you? A. Well, I should say about fifteen different pieces. Q. Are they below or above Canal Street? A. Well, they are from Chambers Street up. Q. Up to Canal? A. Up to Fourteenth. Q. There are none below Chambers Street? A. Well, we have one or two pieces, but the prices really take them out of the market. Q. They are held at such high prices? A. That they are not in the market. Q. Are not those pieces of real estate or property that you have between Chambers Street and Canal Street held at very high prices? A. No,

sir. Q. Are they out of the market? A. They are 3788
 people who are anxious to sell. Q. Are most of
 those pieces that you have to sell above or below
 Canal Street? A. Mostly above Canal. Q. Have
 they modern buildings on them? A. Old-fashioned
 buildings; it is mostly treated as vacant property
 to a very great extent. Q. That is, all that you
 have for sale is property that is substantially vacant,
 that needs new buildings on, and the people do not
 want to improve it themselves, and want to sell their
 lots; is that it? A. They would not improve be-
 cause if they did it would be a loss to them; the
 buildings are very well as they are, and until a great
 change comes over Broadway, with proper facilities
 and underground railroad and horse-cars, people
 would make a great mistake in not keeping their 3789
 property in the condition it is now in and getting a
 fair rental, treating it as unimproved property. Q.
 Then these people are getting a fair rental on these
 buildings that they have for sale, are they? A.
 Treating it as unimproved property. Q. Treating it
 on its market value to-day? A. Well, on what
 they are asking for it they are getting fair rentals,
 yes, sir. Q. Is there any of this property that you
 have for sale that is to rent? A. Oh, yes. Q. That
 is now vacant? A. Parts are vacant. Q. Parts of
 some of the buildings are now vacant? A. Yes,
 sir. Q. You have spoken about an underground
 railroad on Broadway; do you think that would im-
 prove property on Broadway? A. Of course; it
 would double the value of property on Broadway; 3790
 not only that; it is only a question of time when
 people will have minds large enough and their in-
 terest will be large enough to take in the necessity of
 an underground railroad. Q. On Broadway. A.
 Certainly. Q. From where to where? A. From
 the Battery right up and connecting with the Van-
 derbilt roads, &c. Q. And connecting with the
 Forty-second Street depot? A. And the tunnel
 under the Hudson River to connect with all the
 trains on the Jersey side.

Q. You think that is to be a necessity of the fu-
 ture? A. Of course. Q. How many tracks would
 there be? A. They will have no less than four. Q.
 Running all up and down Broadway? A. Certain-
 ly. Q. Do you think such a road as that would im-
 prove the value of Broadway property? A. It
 would quadruple the value of Broadway property—

- 3791 what it is selling at to-day. Q. All the way from the Battery to Fourteenth Street? A. Yes, sir. Q. That is your judgment? A. Yes, sir. Q. Then no matter what was going on, on top or underneath, Broadway would be improved? A. Oh, yes; we have to have both. Q. Your idea is that we have to have a surface road and this underground road also? A. And the underground. Q. And the demands of the public are for both of them even now? A. Certainly. Q. You think all intelligent men ought to want both? A. That is the way I look at it; any one that can see the future of Broadway and has any progressive notions or ideas—it seems to me that they ought to see that all those things are going to happen just as much as the Brooklyn Bridge is a fact to-day and exists.
- 3792 Q. What is your idea of the future of New York; is it going to grow? A. I think we have a population of about 1,500,000, and it would not surprise me at all in the next ten years to see it doubled. Q. Then you are a believer in New York and its prospects? A. Any one who wants to go to these rural towns down around New York that they speak of, and in the West, when they come back to New York they evidently must believe that there is no place outside of London and Paris but New York. Q. What is going to make New York grow more and more? A. The immense energy of its people; the moneyed centre. Q. And its commerce? A. Certainly, the general advantages. Q. The general advantages we have here?
- 3793 A. Yes, sir. Q. Then you do not think that even if there is a temporary "to let" on Broadway—a good many of them this year—it is going to stay so forever? A. Of course not; because New York is going to be too small; I have an idea sometimes that if they could, they would fill in both of the rivers to get room enough for New York; that may occur; they may have a kind of canal, or something of that sort; that is my idea; or else fill in the lower bay properly and fill out so as to give us room. Q. You are an enthusiast about New York? A. I have seen Broadway when there was not any business above Fulton Street, you might say. Q. How long ago was that? A. Forty years ago. Q. Is it your idea that the general trucking business of New York is to increase? A. Yes, sir; I think it must. Q. Why? A. I think it is going to be a wonderful manufacturing centre, and with that

trucks must, of course, increase. Q. You think 3794 they will have to carry things around town? A. Certainly; and the various railroads, &c. Q. What do you think is going to happen on Broadway between here and Fourteenth Street within the next twenty years, even if there is no horse-railroad on it? A. I could not predict that such a thing could exist as not to have a horse railroad on Broadway within the next year; I go by the general talk. Q. Do you think they may fill up the East River and turn the water back the other way? A. They might do something of that sort. Q. Do you think the property on Broadway to-day is a good investment at the present prices? A. With a horse railroad and an underground railroad, I do; I think it is the best property that could be purchased. Q. Suppose 3795 there was none? A. I do not consider it property that a person would hanker after; they would do just as well in other localities, to buy property at a lower price. Q. Is it your idea that a horse railroad on Broadway connecting only with the Broadway and Seventh Avenue line, running up Broadway and then to Fifty-ninth Street, would help the property all along the line of Broadway? A. I think it would help the property all along the line of Broadway and the side streets, without a doubt.

Q. Would it be any advantage to the property all along as far as Thirty-fourth Street? A. I think it would. Q. All the way along? A. All the way along. Q. Do you think it would help all those retail people along there, like Arnold & Constable 3796 and Sloan & Tiffany? A. I have an idea it would, because there is a large trade—a great many people who prefer to ride in horse-cars to the elevated railroad. Q. You think it would bring the retail business down here to where we are now—Stewart's Building? A. I imagine there will be a large retail business centering around here. Q. Right here, where we are now? A. We have seen it increase in the lower part of Broadway within the last few years. Q. What is going to become of the wholesale dry goods business? A. I feel quite confident it will remain permanently in the location it is now in, and will simply fill up as the necessities and requirements and demands require; it will be as permanent for the future as the "Swamp" is and has been.

Q. You think the "Swamp" is located? A. Yes.

- 3797 sir. Q. You think the wholesale dry goods business is located? A. Yes, sir; I am quite confident it is. Q. And you think where Mr. Hilton has fixed up this building for offices it is going to be a good place for retail trade? A. I think there will be a retail business. Q. What kind of a business; in this building? A. No, sir; I do not say in this building; offices are needed here, and no doubt the city will buy this property before they get through. Q. You have not this building for sale? A. No, sir; I should like very much to have it. Q. Where do you think this retail business is going to be below here; where Mr. Palmer's bank is? A. I think this is the money centre here—the commercial centre. Q. Then they are going to retail money here, are they? A. No, sir. Q. What will they retail?
- 3798 A. All kinds of hat stores and— Q. Bonnets? A. No; it will be mostly for men's wear of all kinds; everything that men use. Q. Undershirts and clothes? A. Everything connected with men; guns and all kinds of things. Q. Toys? A. Yes, sir. Q. This is going to be a great retail centre of the city for everything that men want? A. No, sir; not at all; excuse me, I do not say that; I mean to say, for the necessities of the gentlemen living in Jersey or on Long Island, for their own use; they will seek it in the immediate vicinity of their offices, and here is where they will keep that class of goods; I see that down in Wall Street and in Broad Street, and in various sections of the city where retail trade
- 3799 was unknown a few years ago, we see that that class of business has sprung up. Q. That is going to hurt upper Broadway, is it not? A. Not at all. Q. What is going to happen in upper Broadway near Fourteenth Street? A. The book business could go there; light business of that kind; and there will be a retail trade of a certain class; those retail stores there now, like Daniels— Q. What is going to happen to him? A. Daniels has done a very fine trade there—a very fine business. Q. Is he going to stay there? A. I think he will stay there. Q. What is going to happen down in Wall Street? A. Wall Street, of course, will have banking, &c.; now and then there will be a store like that jewelry store that is there—Ladd's; there may be some very fine jewelry business, or something of that kind. Q. Is the Stock Exchange going to move? A. No, sir. Q. Nor the Produce Exchange? A. No, sir. Q.

Then there are going to be offices down here and such 3800
retail business as people want who come down here?

A. Exactly; mostly all people living out of town. Q.

It is not going to be a ladies' shopping centre? A.

Not at all. Q. Simply for men to do their shop-

ping? A. Yes, sir. Q. Ladies will not be brought

back down here again? A. No. Q. That is your

judgment? A. That is your judgment. Q. Even if

we had horse-cars? A. No matter what we have.

Q. How many more people do you think would go
up and down Broadway in horse-cars than now go
in omnibuses? A. I think there would be three
times the travel on Broadway; that is, there would
be three times as many people ride in the cars as
now ride in the stages. Q. Where would they come
from? A. Business men; business men will avoid
getting into a stage if they can. Q. And business 3801
will go on the side streets? A. No, sir; they will
walk.

Q. But they would get in a car and ride up; it
will hurt their health by doing that, will it not?

A. I don't know about that; a man has enough to
exhaust him and to use him up mentally. Q. You

do not believe in walking? A. Yes, I do; I believe
in walking; I am very fond of it, and I walk up

town every opportunity I have. Q. How did you
come up here? A. I rode up here because my time

was limited. Q. What way did you come? A. In
a stage. Q. From where? A. 111 Broadway. Q.

Your business is mostly that of selling real estate at
auction, is it not? A. And making sales of real 3802
estate—private sales. Q. You own no property on

Broadway yourself? A. I do not; but I can simply
say that I have for several years, in talking with

owners of Broadway property— Q. I do not
want what people told you. A. It is not in regard

to what people told me; I was going to say this:
that I have talked for several years with owners of

Broadway property, and have tried to have them
see that the horse railroad on Broadway would be

greatly to their benefit; and there is not one of
these gentlemen but what, when I first talked with

them, were almost offended—some of them; I only
want to state the general fact.

By Mr. Scribner:

Q. In your opinion, is there a popular demand
and a public necessity for a street railroad on Broad-

3803 way, between Fourteenth Street and the Battery, at the present time? A. There is no question about it, providing it connects, at one fare, above Fourteenth Street.

By Mr. Beaman :

Q. Suppose it did not connect and there was one fare simply? A. Then the owners of Broadway property would be opposed to it, because it would be an injury to the city; it would be a monopoly that the people are not ready to submit to. Q. You think if they only went South of Fourteenth Street that would be an objection? A. I think so; I should be opposed to it, and I think every other fair-minded man would be. Q. Why? A. Because 3804 we want to go to Central Park from the Battery on one fare. Q. You think, unless that was made a part of the granting of the right, it would be an objection? A. I do. Q. And you think the public would be opposed to it? A. Yes, sir. Q. You think that if that is not made one of the conditions of the granting of the right to the company—that it shall carry for one fare a passenger from the Battery to the Park—it should not be granted? A. I do.

JOHN F. AMES, called as a witness on behalf of the Broadway Surface Railroad Company, being duly sworn, testified as follows:

3805

By Mr. Scribner:

Q. Where do you live? A. 27 Broadway. Q. You are one of the proprietors of the Stevens House, are you not? A. I am; yes, sir. Q. How long have you been connected with that house? A. As proprietor, five and a half years. Q. You are familiar with the travel on Broadway in that locality, are you not? A. I am; yes, sir. Q. In your opinion, is there a popular demand and a public necessity for the construction and operation of a horse railroad on Broadway between the Battery and Fourteenth Street?

Mr. Beaman : I object to this evidence as incompetent, as not in rebuttal and as cumulative; and I ask that the same objection be considered as made to all the testimony of this witness.

Objection overruled; exception taken by Mr. 3806
Beaman.

A. I positively say there is. Q. What induces you to say that there is a public necessity for a railroad on Broadway between Fourteenth Street and the Battery? A. I think that the business demands it down town, especially below Canal Street; they demand more facilities for riding.

Q. Would it be a great accommodation to people who desire to come down in your neighborhood to have a horse-railroad on Broadway? A. I should think so; yes, sir. Q. Would it be a great accommodation to those who inhabit your hotel to have a horse-railroad go to the upper end of Broadway? A. I should think so.

Mr. Beaman: I move to strike out the testimony of this witness as incompetent, as not in rebuttal and as cumulative. 3807

Motion denied; exception taken by Mr. Beaman.

Cross-examination by Mr. Beaman:

Q. How long have you been a hotel-keeper in New York? A. I have been interested with Mr. Goodale, my partner, 5½ years. Q. Were you ever in any place except the Stevens House? A. Not as a hotel-keeper. Q. Where else have you kept hotel? A. Nowhere else. Q. What other business have you been engaged in? A. I was agent of the Maine Steamship Company, East River; 18 years I have been there. Q. And you have been interested in the hotel business only 5½ years? A. Yes, sir. Q. Did you hire that hotel before the elevated roads were built? A. No, sir; the elevated roads, I think, were built longer than that. Q. Do you own the building? A. No, sir. Q. Rent it? A. Rent it; that is all; leased property. Q. How long a lease have you got? A. A very short lease. Q. Who owns it? A. A gentleman in California; I don't know that I should be compelled to give his name here. Q. He is not in the city? A. No, sir; he is a non-resident. Q. And you have your lease of him? A. Yes, sir. Q. When does your lease expire? A. In about a year. Q. Is it your idea that it would help you, as a tenant, to have that line of road? A. I should take that into consideration. Q. Why would it help you? A. I think any facility for 3808

- 3809 people to move in Broadway, either by car or stage, or any way—the more facilities the more people will use them. Q. Anything that can help people up and down in Broadway will help property there? A. Yes, sir. Q. The more people who come up and down Broadway, the more will ride? A. We notice that fact; there is short riding on Broadway; if there was a car running to Chambers Street I would have taken that instead of the stage. Q. How did you come up? A. By the stage, because there was no other way except by cab. Q. Was the stage full? A. No, sir. Q. Was there plenty of room in it? A. Yes, sir. Q. How was it in Broadway; was it blocked? A. No, sir; business don't make blocks now. Q. Is it dull in business? A. It is; all kinds of trade. Q. Your business and all? A. I am sorry to say it is dull. Q. There are a good many vacant rooms, are there? A. Quite a good many this month. Q. A good many rooms are vacant down in your neighborhood? A. I should judge not; owing to the Produce Exchange and the Petroleum Exchange; they have a large building for offices, and the offices are not rented. Q. Are they going to charge you an increased rent for next year? A. That I have not taken into consideration yet. Q. How long ago was your rental fixed? A. Five and a half years ago. Q. You were connected with the Maine Steamship line? A. I was.
- 3810 Q. Where was that? A. Pier 38 East River, foot of Market Street, above Catherine Ferry. Q. Is there a good deal of business done on that line? A. Yes, sir. Q. You run a line of steamers from where to where? A. Run from New York to Portland, Maine. Q. How often? A. Twice a week. Q. Does that steamer receive and deliver a great many goods? A. Yes, sir. Q. Where do they deliver? A. To all parts of the city. Q. You deliver by trucks? A. And by lighters, of course. Q. They use some lighters but deliver mostly by trucks? A. Yes, sir. Q. Do you know how the trucks get to these places? A. I do. Q. How? A. By the different streets verging from Broadway. Q. Do they use Broadway very much? A. No, sir; the carmen always prefer to get off of Broadway as soon as possible; I should not say that the carmen told me, but I should think they would. Q. You think carmen would keep off of Broadway? A. They are liable to do it. Q. Why? A. They are liable to
- 3811

be blocked sometimes. Q. And therefore they avoid 3812
 it all they can? A. They naturally would; if they
 find a street well paved they would do so. Q. So
 your judgment is there are only such truckmen on
 Broadway as have to go there? A. Crossing the
 street. Q. The only ones that are on Broadway are
 those that cannot help it? A. That is so. Q. Do
 you see a great many blocks on Broadway? A.
 Not lately. Q. What do you mean by that? A.
 Within two or three years. Q. Where? A. Not
 down where I am. Q. You think if good times
 come again that you will see more trucking and
 more business, do you not? A. I should naturally
 expect to see more crowds. Q. All over? A. Not
 above Chambers Street—between Chambers and
 Canal. Q. You expect when we get more business 3813
 there will be a greater crowd? A. Yes, sir. Q.
 And the hotels will be affected? A. No, sir; not
 at all. Q. You do not think there will be any more
 hotels down town? A. They are liable to go up-
 town on account of the improvement in buildings.
 Q. You do not think there is a need of hotels down
 town, then? A. Not of an expensive building, I do
 not. Q. You think that property will be too val-
 uable for building hotels? A. They require a hotel
 down town in the lower part of Broadway. Q. Do
 you have many transient travelers there? A. They
 do in the Spring of the year. Q. What are they
 doing there? A. Stopping on business in passing
 through; they are connected with the grain trade.
 Q. You are pretty full in busy times, are you not? 3814
 A. We are not now. Q. In busy times you have
 plenty to do? A. There is always room for one
 more in a hotel.

Adjourned to Tuesday, February 24th, 1885, at
 eleven o'clock A. M.

NEW YORK, February 24, 1885.

WILLIAM H. WILKINS, called as a witness on be-
 half of the Broadway Surface Railroad Company,
 being duly sworn, testified as follows:

By Mr. Scribner:

Q. You are one of the proprietors of the Madison

- 3815 Avenue stage line, are you not? A. Yes, sir. Q. Your partner was Jesse Marshall, was he not? A. Jesse A. Marshall, yes, sir. Q. And he died when? A. The 10th of February last; a year ago now, the 10th of February. Q. You are now carrying on the same business as surviving partner of Marshall & Wilkins. A. Yes, sir. Q. How many stages are running on the Madison Avenue line? A. Seventy. Q. How many different lines of stages are there now running on Broadway? A. Three. A. What are they? A. The Madison Avenue line, the Fifth Avenue line, and the Twenty-third Street line. Q. The Fifth Avenue stage line is owned by whom? A. Andrews. Q. And the Twenty-third
- 3816 Street stage line is owned by whom? A. Johnson & Shepard. Q. Do you know how many stages are run by Johnson & Shepard on the Twenty-third Street stage line? A. The same number as we do; seventy. Q. Are you all running the same number of stages? A. The same number of stages; that is an agreement between us. Q. By an agreement between yourselves, the number of stages you run are equal, are they? A. Yes, sir. Q. Seventy stages on each line make two hundred and ten stages in all? That is the number, is it? A. Yes, sir. Q. Will you please tell us what is the route of your stage line? A. It starts at the corner of Forty-second Street and Fourth Avenue, goes through Fourth Avenue up to Forty-first Street, through Forty-first Street to Madison Avenue, down Madison Avenue to Twenty-third Street, through Twenty-third Street to Broadway, down Broadway to Wall Street, and through Wall Street to Wall Street Ferry; returning, the same route, with the exception of going up Madison Avenue to Forty-second Street and so around the block. Q. What is the route of the Twenty-third Street stage line, of Johnson & Shepard? A. That runs from Twenty-seventh Street and Ninth Avenue, through Ninth Avenue to Twenty-third Street, through Twenty-third Street to Broadway, through Broadway to South Ferry. Q. And what is the route of the Fifth Avenue line, owned by Mr Andrews? A. That runs through Forty-sixth Street, down Fifth Avenue to Fourteenth Street, through Fourteenth Street to Broadway, down Broadway to Fulton Street,
- 3817

through Fulton Street to Fulton Ferry; returning, 3818
 the same route. Q. Then these three several lines
 run on Broadway south of Fourteenth Street, do
 they? A. Yes, sir. Q. Do all the stages that run
 take this route in Broadway? A. Yes, sir. Q. The
 two hundred and ten stages of the three lines take
 that route? A. Yes, sir; they all strike Broadway
 above Fourteenth Street or at Fourteenth Street.
 Q. Do you know how these lines compare with each
 other as to receipts? A. I do not think there is a
 great deal of difference.

Q. It is about the same? A. Yes, sir. Q. You
 think they are all about the same? A. Yes, sir; I
 think so. Q. What proportion of the receipts of
 each line is derived from that portion of its route 3819
 which lies south of Fourteenth Street? A. I think
 our line carries more people above Fourteenth Street
 than it does below it. Q. Taking them altogether,
 what would you say? there is no way of determining
 it accurately, is there? A. No, there is no way of de-
 termining it accurately; I think they all carry more
 people above Fourteenth Street than they do below.
 Q. They carry more people above Fourteenth Street
 than below? you take in more money above Four-
 teenth Street than you do south of Fourteenth
 Street? A. Yes, sir. Q. At all events, would it be
 safe to say that you did not get more than half of
 your receipts anyhow on Broadway south of Four-
 teenth Street? A. No, we do not. Q. Will you be 3820
 good enough to tell the Commissioners about what
 are the ordinary receipts of your line—the gross re-
 ceipts? A. I could tell them for a year back.
 Q. Can you tell that accurately? A. Yes, sir (pro-
 ducing memorandum). Q. You will have to read it,
 if you have a memorandum of your gross receipts
 during the last four years? A. In 1881 our gross
 receipts were \$221,368.80; in 1882 they were \$204,-
 625.80; in 1883 they were \$187,625.90; in 1884 they
 were \$171,698.30. Q. Those are the receipts of the
 Madison Avenue stage line? A. Yes, sir. Q. And
 to get at the receipts of the three lines as nearly as
 may be you would multiply the figures in each one
 of those several years by three? A. Yes, sir. Q.
 And then to get at the receipts of the three stage
 lines south of Fourteenth Street you would divide
 it by two? A. Yes, sir.

3821 *Mr. Scribner* : I have made some figures, Mr. Beaman, on that basis, which are subject to correction in any way ; Mr. Wilkins has not made them ; these are my own figures ; the figures that Mr. Wilkins has given for four years amount altogether to \$785,318.80 ; that would be the gross receipts of his line for four years ; the average would be \$198,329.70 for his entire route ; the average for the three lines would be \$594,979.10 ; dividing that by two, the average receipts of the three lines, derived from that portion of their route which lies below Fourteenth Street, would be \$297,489.55 ; taking the last year as the basis—the year 1884—the three lines would earn \$515,094.90, and south of Fourteenth Street
 3822 they would earn \$257,547.45. Q. Out of that amount you have your men to pay ? A. Yes, sir. Q. And you have your horses to buy ? A. Yes, sir. Q. And to feed ? A. Yes, sir. Q. And you have your stages to keep ? A. To keep in order, yes, sir. Q. And your stables to keep ? A. Yes, sir. Q. And your taxes to pay ? A. Yes, sir. Q. And all the expenses of operating the line ? A. Yes, sir.

Cross-examination by Mr. Beaman :

Q. How long have you been an owner of any omnibus line ? A. Well, I was first in the omnibus business in 1848. Q. Have you been in it ever since ? A. No, sir ; I was out of it about eight
 3823 years. Q. What year were you out ? A. I was out from 1852 until 1865 ; it is more than eight years ; 1853 to 1865. Q. What business were you in then ? A. I didn't do any business, I had a farm over on Long Island. Q. You went back in 1865 ? A. Yes, sir.

Q. And you have been in that business ever since ? A. Yes, sir. Q. With Mr. Marshall, as I understand it, until his death ? A. Yes, sir. Q. Is that business carried on as a firm or as a corporation ? A. Firm. Q. Are the other two lines carried on as firms ? A. Yes, sir. Q. What relations are there between those three lines that you have spoken of ; are there any business relations by which you share in each other's profits in any way ? A. No sir ; we each one stand on our own bottom. Q. Each of you stand on your own bottom so far as profits are concerned ? A. Yes, sir, and losses, too ; and every-

thing. Q. But you make an agreement that neither ³⁸²⁴
of you will run over seventy stages, do you?
A. That is the agreement. Q. Therefore you are
limited to seventy stages? A. Yes, sir. Q. Only
that each shall have the same chance? A. Yes,
sir. Q. But you concluded that seventy for each
line was enough to do the business? A. Yes, sir.
Q. When did you come to that conclusion? A. At
the time we bought off the Fourteenth Street line—
the east side Fourteenth Street and the Fourth
Avenue; that was in 1876 I think, or 1877; 1876 I
think. Q. Who bought off those two lines? A. The
three lines that are now running. Q. They bought
off those, and then they agreed that afterward they
would run seventy stages apiece? A. Yes, sir. ³⁸²⁵
Q. And you have been doing so? A. Yes, sir.
Q. You have been making money at it? A. We
have made something. Q. You speak of running
seventy stages a day; are those seventy stages of
your line out every day, except Sunday, all of them?
A. Well, there are some days that are very cold
days and some hot days that we don't get them all
out; we have maybe two or three, and sometimes
half a dozen, in; but we have all the facilities to
run seventy stages right along. Q. Almost every
day do you run seventy? A. Yes, sir. Q. And so
it is with the other lines? A. Yes, sir. Q. What
time do you put on your seventy stages, in the morn-
ing? A. Seven o'clock. Q. What headway do you ³⁸²⁶
give them? A. Part of the time a minute's head-
way, and a part of the time— Q. Do you start
out with a minute's headway? A. No, sir, we run
on three minutes. Q. Until when? A. Eight
o'clock. Q. And then? A. One and a half minutes.
Q. And from eight o'clock until when do you run
one and a half minutes? A. Eight o'clock to three
or four o'clock. Q. At a minute and a half head-
way? A. Yes, sir. Q. And then? A. On three
minutes. Q. And then what? A. The last stage
now—we only run six trips this Winter—and the
last stage leaves at the upper end at seven o'clock.
Q. At night? A. Yes, sir. Q. What time does it
leave down here? A. Eight o'clock. Q. Then the
Madison Avenue line does not run after eight
o'clock? A. No, not from down here. Q. Nor up
there either? A. No. Q. So that your men are on

- 3827 about twelve hours, more or less? A. That is all.
 Q. And you run at three minutes headway, as I understand it, from half past three until eight o'clock?
 A. Yes, sir. Q. What is your usual running time from your starting place to Wall Street? A. Forty-five minutes, from end to end. Q. How much does that time vary at different times of the day? A. It does not vary much; very little; sometimes a stage may get blocked, or something like that, and they would not make quite that time; but we calculate to have them run about that time all along; about forty-five minutes.
- Q. How long does it take to make the round trip, generally? A. It takes an hour and thirty minutes.
- 3828 Q. Do you rest down there at the ferry sometimes?
 A. We generally have three or four stages there. Q. And generally a stage starts and gets back in an hour and a half? A. Yes, sir. Q. At all times of the day? A. Yes, sir. Q. How many horses do you have to run this line? A. We have four hundred and seventy; about four hundred and seventy-five; four hundred and eighty sometimes. Q. Good horses? A. Yes, sir. Q. How much do they cost a piece, when they are new—young horses? A. \$150 to \$175. Q. How do they compare with such horses as we see on horse-car lines; are they as good? A. I guess they compare as well as any work-horses do in New York. Q. They are as good as any of the horse-car lines, are they not? A. Yes, sir.
- 3829 Q. They cost as much money? A. They cost just as much money as the horses do on the horse-car lines, I guess. A. Are they taken as great care of as horse-car horses are? A. Yes, sir; I have horses that have worked fourteen years. Q. And they do their day's work? A. Yes, sir, do their day's work every day; I have got one horse I bought of Murphy & Smith in 1881, and he is working there yet. Q. How many trips do you consider a day's work for the horses? A. Two trips they run now. Q. Do you mean that you got this horse in 1881 or 1871? A. In 1871. Q. How many trips did you say you made? A. Two trips. Q. Down and back twice is the day's work for a horse? A. Yes, sir. Q. Do you rest them any between the trips? A. No, sir. Q. They do their work right along? A. There are four or five stages on the stand all the time at each

end; they have to wait for their turn, and it gives 3830
 them a blow-out—a little rest. Q. But you do not
 stop to feed? A. Oh, no. Q. And you do not keep
 them out but once a day? A. In extreme hot
 weather we change on every trip, and then we take
 them out and they stand two hours or an hour and a
 half? Q. In an ordinary time of the year, they do
 their two trips? A. They do their work until it is
 done, and that is all in twenty-four hours; they are
 out about four hours in twenty-four. Q. That is the
 regular habit with the omnibus people? Yes, sir.
 Q. Are the omnibuses started at regular intervals
 from your stand at Forty-second Street? A. Yes,
 sir. Q. You have a regular starter to start them,
 have you? A. Yes, sir. Q. And that is the way 3831
 down in Wall Street? A. We have one at each end.
 Q. As they are going up and down town are there
 instructions to keep behind each other, or do they
 pass each other from time to time? A. The in-
 structions are to follow each other and not to pass
 one another, not to run in opposition? Q. Not run
 in opposition to each other? A. Nor to any others.
 Q. Nor to other lines? A. No. Q. Just to follow
 right along? A. Yes, sir. Q. Have your omnibuses
 been in the habit of going up and down Broadway
 as fast as they can within reason; do you instruct
 them to go slow or fast? A. They drive about a
 certain gait; they don't go as fast as they could go.
 Q. Do omnibuses up and down Broadway go as fast 3832
 now as they used to twenty years ago. A. Yes, sir.
 Q. What kind of drivers have you now? A. We
 have very good ones. Q. Do you think omnibus-
 drivers are any worse than any other class of men
 in the community? A. No, sir. Q. Do you think
 they would try to run over anybody in the street,
 or run over any vehicle? A. No, I don't think they
 do; I don't think they try to run over anybody or
 hurt anybody. Q. Do you not think, in the street,
 they try to mind their own business and attend to
 it as well as they can? A. I do. Q. If they did
 not, would it not be a subject of complaint to your
 company, and they would be liable to be dis-
 charged? A. Yes, sir. Q. That has always been
 so? A. Yes, sir. Q. And it is so with the other
 Companies? A. Yes, sir. Q. The drivers have
 no orders to bounce people as they are getting out,

- 3833 or to hurry up as they get in, have they?
 A. They have orders to give passengers ample time to get in and out of the stages, and the order is painted on the sign down in the office. Q. Have you tried to run your omnibuses in Broadway to accommodate the public? A. Yes, sir. Q. Do you not think they are an accommodation to the public? A. Yes, sir; I think they are pretty well accommodated. Q. Have you thought there was any demand for more omnibuses on Broadway than there are? A. Well, no, I don't think there is any more demand for any more. Q. Do you think that these three lines— A. I think there are enough omnibuses there now. Q. There are enough to do all the business? A. Yes, sir. Q. For everybody who wants to ride you have plenty of room, have you not? A. Yes, sir; and there are certain times of the day we run pretty full; from twelve to three o'clock. Q. That is your fullest time? A. Yes, sir; in the middle of the day. Q. How is it with the rest of the day? A. The rest of the day we have plenty of room. Q. Do your men, going up and down on these trips, bring in the most money they can? A. Yes, sir. Q. How many will your omnibuses hold; can you tell us about? A. It sits twelve passengers. Q. How many can stand up? A. There can stand up five or six in the alley way. Q. And then some sit up with the driver?
- 3835 A. Some sit up with the driver.
By Mr. Scribner : Q. Smokers like Mr. Beaman?
 A. Smokers.

By Mr. Beaman :

Q. How many can ride with the driver? A. Not more than one or two. Q. Have the omnibus people, at any time within the last year, got together to see whether they could put on more omnibuses, and whether there was any demand for an increase? A. No, sir. Q. There has been no talk of that kind among the stage people? A. No, sir. Q. As far as you know, the people have been fully accommodated by the omnibuses going up and down, except occasionally? A. Yes, sir; our receipts show that. Q. How did your receipts show that? A. They showed that it was less; this last year, it was less

than the year before, and less than that of the year 3836 before that. Q. Therefore, you think there are plenty of omnibuses? A. Yes, sir. Q. That is your idea about it? A. Yes, sir. Q. Your idea is that travel has diminished instead of increased? A. I think it has diminished with us. Q. When did you put your fares down to five cents? A. I think it was in 1879.

Q. Were your gross receipts larger before this than they are now? A. No—yes; larger than they are now. Q. What was the effect of cutting down that fare from ten cents to five cents? A. The effect the first year or two was, we carried—we got more money. Q. You got more money at five cents than you did at ten cents? A. Yes, sir. Q. I notice 3837 by these tables that you have given that the receipts have fallen off every year since 1881; when did they first begin to fall off? A. In 1882. Q. Had they kept up until 1881? A. Yes, sir. Q. What were the receipts in 1880, about? A. I haven't got it here, but I have got it at home; I can't tell you here. Q. Could you get the receipts for the various years, at home? A. Yes, sir; I have got the receipts ever since I owned the line, twenty years. Q. And you could send the gross receipts in each year without much trouble, could you, if I should ask you to send them, say, for each year since 1870; could you do it easily? A. I guess I could; I don't know.

Mr. Beaman: I would be glad if you would; you 3838 have no objection, of course, Mr. Scribner?

Mr. Scribner: I do not care; I think all we are interested in is the last four or five years; what we are interested in is the receipts since the construction of the elevated railroad.

Q. What effect did the Elevated Railroad have upon your business? A. It took a great many of our passengers away. Q. Did it damage the receipts very much? A. Yes, sir. Q. Did you put down your fare before the elevated roads were in operation? A. Yes, sir. Q. Before? A. About the time. Q. Did you not in 1879 reduce your fares? A. I think it was in 1879; I may be mistaken.

Mr. Beaman: I wish you would make a little statement of just like the ones you have given there, for the years since 1870, each year; and also

3839 put on it the year when you changed your fares, or the exact date.

The Witness : I can tell you ; our books show when we reduced the fare.

Q. You speak about the receipts of other roads ; have you any particular means of knowing what other roads are getting, except in a general way ?

A. That is all. Q. You have never seen their books ?

A. No, sir. Q. You do not know how much they are getting ? A. No, sir. Q. Do they make any

official report to anybody that any one can get hold of, that you know of ? A. I don't know that they do. Q. You are speaking in a general way, when

you say you think they get as much as you do and
3840 you get as much as they do ? A. That is it exactly ;

I think from the way the stages run, they run about alike. Q. Do they run their stages with about the

same headway that you do ? A. Yes sir. Q. And they make about the same time ? A. Yes, sir. Q.

Does the Fifth Avenue line make as good time as yours does ? A. I think they do. Q. And the

Twenty-third Street also ? A. Yes, sir. Q. Have they about as many horses as you have ? A. Yes,

sir ; I think they have. Q. And they drive them about the same way—two trips a day ? A. Yes, sir.

Q. That is understood to be a day's work for the horses, is it ? A. Yes, sir. Q. In regard to the

amount of money that you get in different parts of

your trips ; there is no way of telling that, absolutely,
3841 I suppose, is there ? A. No, sir.

Q. Your drivers get back home ; now, how often do you examine the boxes ? A. The money is all

put in the boxes. Q. You can not tell, of course ? A. I cannot tell. Q. Are you up and down the

line yourself much ? A. I am up and down the line a good deal. Q. Do you ride in the omnibuses ? A.

No, sir, I don't ride in them. Q. Would not the drivers know about this matter as to where they get

the most money better than you would ? A. Of course they know where they carry a big load or a

light one. Q. But would they not know where the most passengers get in ? A. Yes, sir, I suppose

they would know. Q. What are the average receipts for one of your omnibuses on a single trip ?

A. That I could not give you ; I could not give you the average receipts.

Mr. Scribner: They only open their boxes once a day. 3842

Q. You open your boxes once a day? A. Twice.
 Q. You open the boxes twice a day, do you? A. Yes, sir.
 Q. How many trips have there been made by one of those stages before you open your boxes? A. Four trips.
 Q. And then you open the boxes? A. Yes, sir.
 Q. After every four trips? A. Yes, sir.
 Q. What do you find in those boxes on the average? A. That I could not tell you; I don't take it out myself; I have a man who has worked there for twenty years that attends to all that part of the business, and I don't attend to it at all.
 Q. Does he keep any books or papers which would show that fact? I suppose he keeps the account? A. Yes, sir; he keeps the accounts.
 Q. He can tell exactly how much has been got from every stage, can he not? A. Yes, sir; I suppose he can tell every stage how much they take in on the four trips and how much on the day's work.
 Q. But you can not answer anything about that? A. I can not answer that question; no. 3843

Mr. Beaman: Could you prepare and send me, or send to the Commission, a statement showing the receipts from these several boxes on your line for Monday, Tuesday and Wednesday of last week; take any three days, if any other days would be easier; or Monday, Tuesday and Wednesday of the week before; my object is, if the Commission pleases, by showing the amount that is received in these four trips, to get an idea of whether there are many short riders or long riders in these omnibuses; I do not see that we can, in any way, distinguish those below Fourteenth Street from those above; I should not expect anything of that kind; what is found in the boxes will simply show that on four trips, on an average—say, they will get 200 fares, and then on one trip, on an average, they get fifty passengers; of course that will show that there has been a great deal of getting in and out. 3844

The Witness: You can't tell where those passengers get in and out; I think that is useless.
 Q. Can you prepare such a statement? A. I could; yes, sir.
 Q. Will you please do so for me? A. I will try to.
 Q. Do not the drivers report at each end, or each trip, how many passengers they have had down or up? A. Yes, sir; we keep a book at each end.
 Q. So that, in addition to the amount that is found in

3845 the boxes, you have another check on them by the report that each of them has made? A. Yes, sir. Q. Each two ought to correspond? A. Yes, sir; they report at each end of the route.

Q. Will you be able, from your books, to give me a statement of the reports made by the drivers on these same three days for each trip? A. I will take a little advice on that before I promise that. Q. Will you take advice as to whether you could or whether you will? A. I will take advice as to whether I will or not; I will let you know about that to-morrow. Q. Will you advise with Mr. Scribner? A. I will advise with somebody. Q. Is Mr. Scribner your regular counsel? A. He is in certain cases; he is not my counsel in this case; I have got no counsel here. Q. You have no counsel 3846 here? A. I have no counsel here, sir. Q. Will you let me know as soon as you have consulted with your counsel about it? A. I will, yes sir; I will let you know to-morrow. Q. All I want is, not in any way to be prying into details that are unreasonable at all, to know if one day would give a fair average; I would trouble you only to give the items of one day, selecting what is a fair average day; I do not want any day when it is cold or hot, but an average day; when do people ride in the omnibuses most—when it is cold, or when it is warm? A. When it is warm. Q. When do they ride in them most—in pleasant weather or in stormy weather? A. When it is pleasant; women go out in pleasant weather; they don't go out in stormy weather. Q. Do you have 3847 more riders below Fourteenth Street on rainy days or pleasant days? A. That I could not tell. Q. Have you ever driven any stages yourself? A. Yes, sir. Q. Did you appear before the Board of Aldermen to oppose a railroad on Broadway? A. I appeared before the Board of Aldermen; I did not oppose it. Q. Did you make a speech; did you not say substantially this: Mr. Chairman and Gentlemen: I have a large interest on Broadway, amounting, probably, to \$250,000, consisting of the Madison Avenue line of stages; and I should not have said anything before your committee, or anybody else, in regard to that business, but I think when gentlemen come here to take my rights away, it is time for me to come here and speak? A. Yes, sir, that is the purport of it, I think. Q. Why did you do that; were you at that time opposed to a railroad on

Broadway? A. Was I? Q. Yes. A. No, I was 3848
 not opposed to a railroad. Q. Why did you go there
 and make that speech? A. I wanted to find out
 something that I could not find out anywhere else.
 Q. What did you find out? A. I found it out; that
 is private. Q. Had you, at that time, made an ar-
 rangement with Mr. Sharp to sell out your line to
 him? A. No, sir. Q. You wanted to find out what
 he would give for it, did you? A. I did not,
 no sir. Q. When did you make your arrange-
 ment with Mr. Sharp to sell out your line to
 him? A. That is private, I guess. Q. Was it made
 before or after the argument before the Board of
 Aldermen? A. I have not said it was made at all.
 Q. Mr. Sharp has said so; do you deny it? A. No,
 I don't deny it; but I don't say that there was ever
 any arrangement made. Q. Has there not been such 3849
 an arrangement made? A. That I tell you is pri-
 vate. Q. Have you in previous years opposed a
 railroad on Broadway? A. Yes, sir. Q. For how
 many years? A. For thirty. Q. Why? A. Be-
 cause I had an interest there. Q. What opposition
 have you ever made? A. What opposition have I
 made?

Q. Yes; what have you ever done about it? A.
 I have done some things that I should not want to
 tell. Q. What have you done that you are willing
 to tell? A. I don't suppose it is necessary for me to
 tell. A. You are not willing to tell that you sold
 out to Mr. Sharp, are you? A. No, sir; I am not
 willing to say that I sold out to Mr. Sharp. Q. 3850
 You opposed the road at Albany, did you? A.
 I never did sell out to Mr. Sharp. Q. Have you
 ever agreed to sell out to Mr. Sharp? A. No, sir.
 Q. Have you ever opposed the Broadway railroads
 by going to Albany, or having counsel or agents go
 to Albany to oppose them? A. Have I? Q. Yes.
 A. That is a question that I don't think I ought to
 answer. Q. Have not the associated stage compan-
 ies together opposed railroads on Broadway for
 thirty years or more? A. Yes, sir. Q. Are there
 any of them opposing it now? A. No, sir. Q. Is
 it not an accommodation to the public to have your
 line of stages go to Wall Street Ferry? A. Well, I
 suppose it is, if there is nothing else that goes there.
 Q. Is it not an accommodation to the public to have
 your line of stages run up Madison Avenue? A.
 Well, there are a great many facilities going to that

- 3851 depot that hurt us on that avenue very much. Q. They do hurt you? A. Yes, sir; and I think that we are as well off without that as we are with being there; I think the people will take the cars; they take the cars now; what has hurt us more than any other thing that has come in opposition to us is the cent that Mr. Vanderbilt took off the Fourth Avenue road, when he put the fare down to five cents; that hurt us more than anything we could have had; the people don't care two cents for the stages on Madison Avenue. Q. But they care a good deal for that cent, do they? A. They care if they can get accommodated, and if they don't get accommodated I guess they will do the next best thing. Q. Do you mean to say that the Madison Avenue
- 3852 people who used to ride with you, now, to save a cent, go down in that hole? A. Yes, sir; they go down in that hole. Q. The Madison Avenue people? A. Yes, sir; the Madison Avenue people go there. Q. That has reduced your gross income? A. That has reduced our gross income some. Q. Then the other stage lines have not been reduced in their gross receipts, have they? A. No, sir; there is not much difference. Q. They are not competing with the Vanderbilt five-cent fare? A. But they are competing with the elevated road. Q. But that has not hurt you any, has it? A. Yes, sir. Q. That has been going on six or eight years? A. It has not been going on long about putting the fare down to five cents; you would be astonished to see the
- 3853 people; they run two cars continually on Forty-second Street there from the depot to Third Avenue, one up and one down, and all the while they carry them full. Q. You mean the elevated road on Forty-second Street? A. The elevated road; yes, sir. Q. They are carrying people up there? A. There are ten people that go there now where there was one when they first started; one car was as much as they could run then, and now there is as much as two can carry. Q. They are not riding up there for fun; they go from there down town? A. They go from there down town. Q. Has that hurt the Fifth Avenue stage line, too? A. Of course it does; it hurt the Fifth Avenue line, because there were a great many people who came there from the cars and walked up to Fifth Avenue and rode down Fifth Avenue.

Q. Rather than ride down in the horse-cars? A. 3854
 Yes, sir; some wanted to go to Fulton Ferry; some go to Fifth Avenue, and to shop; some go to Twenty-third Street, to shop; some go to Fourteenth Street, to shop; and the Fifth Avenue line takes them to Fourteenth Street and Twenty-third Street. Q. And those people used to walk over there? A. It is only a little over a block where they come out. Q. That is a good ways for a man who wants to go anywhere, is it not? A. It is not a great ways—a block is not; if a man had to walk ten miles, it would be quite a ways; but a block is not. Q. They used to walk the length of this block to get into those Fifth Avenue stages? A. Yes, sir. Q. What do they do now? A. Ladies do the same thing now; the ladies ride with us a good deal. Q. Those ladies like stages? A. They like 3855
 them pretty well—yes, sir. Q. I thought they did not like stages; how is that? A. They like them because it is the only way there now. Q. The only way they can get down? A. They get in the stages and the Fourth Avenue cars; some get into Fourth Avenue cars, and walk across to Lord & Taylor's and to Arnold & Constable's, and the other stores along there; the Fourth Avenue cars carry a great many people there. Q. The Fourth Avenue cars bring them down from Forty-second Street? A. They go up to Fourteenth Street without anybody in them hardly, and when they get up there they get a load before they get to Twenty-third Street, from those coming out of the dry goods stores, right across there. Q. There are lots of dry goods stores along 3856
 there, are there not? A. Yes, sir. Q. About your travel; those people that you take in up by the Forty-second Street depot, go how far down? A. They most generally get out before they get to Fourteenth Street; all of them. Q. They all get out? A. Most of them; maybe one or two go down further. Q. They do not want to go down Broadway, then? A. Shopping, I mean; women riding; the men go below. Q. Do they get in your omnibuses? A. Yes, sir. Q. Are there many men who ride in your omnibuses? A. Yes, sir. Q. They are long riders, who go all the way down? A. Some of them; yes, sir. Q. Do you fill up with men or women along about Twenty-third Street and Fourteenth Street; do many get in going down? A. There are not so many get in there as there are above. Q. Do you carry many people from the

- 3857 ferry up-town? A. Yes, sir. Q. How far do you carry them up? A. Generally they go up to the shopping point, Fourteenth Street. Q. Why do you call that the shopping point? A. Because the shopping is done between Fourteenth Street and Twenty-third Street, in Broadway; and Sixth Avenue and Fourteenth Street and Twenty-third Street; that is the shopping square. Q. That is the shopping square of the City of New York? A. Yes, sir. Q. These women who come over the Wall Street Ferry, get in down there, and go all the way up? A. Yes, sir. Q. Do they not get out at Daniels'? A. Not much; they most of them go right up. Q. Why do they do that? A. I never asked any of them. Q. The omnibuses would stop for them, and let them get out, would they not? A. Yes, sir; they would stop and let them get out; I never ask where they want to go.

Q. How about the other lines—are they running about the same; do they have passengers who get in at Fulton and South Ferry, and who go all the way up shopping? A. Yes, sir. Q. How do the elevated roads affect your up town business? A. It is not affecting the up town business so much as it is the long passengers. Q. The long passengers have been affected a good deal by the elevated roads, have they? A. Yes, sir. Q. Which passengers do you like to carry best? A. We like to carry the short ones best.

3859 *By Mr. Scribner:*

Q. You like them to get out as soon as you have their five cents? A. Yes, sir; we don't care how soon they get out after they pay.

By Mr. Beaman:

Q. Is there not a good many of these short passengers on Broadway? A. A good many in hot weather. Q. Not so many in Winter? A. No; they walk along to keep warm; not so many in Winter. Q. They would rather walk than ride then? A. Yes, sir. Q. You do not go down Fifth Avenue on your stage at all, do you? A. No, sir. Q. Does the Fifth Avenue line bring more people down Fifth Avenue than you bring down Madison Avenue? A. That I could not tell you. Q. When you bring ladies down shopping from up Forty-second Street

and along there, where do they get out? A. They 3860
usually get out in this shopping district. Q. Do
you carry many of them down below Fourteenth
Street? A. Not a great many; not many; no, sir.
Q. They get out all the way along about Twenty-
third Street? A. Twenty-third Street and Four-
teenth Street. Q. How long has that been the great
shopping district? A. It has been the great shop-
ping district for, I should think, five or six years.
Q. When you first began, you bought this line out
in 1876, or was it 1875? A. 1871, this line. Q.
Where was the great shopping district then where
you used to carry the ladies? A. The great shop-
ping district was lower down town. Q. How far
down? A. A. T. Stewart's then was up at Tenth
Street; that was a great shopping place; Lake & 3861
McCreery, on the other side, and Daniels; they are
there now—Lake & McCreery and Daniels. Q. And
Arnold & Constable were down further? A. Yes,
sir. Q. And Lord & Taylor's? A. Lord & Taylor's
was at the corner of Grand Street; there were a
number of retail stores along down that way, a great
many more than there are now. Q. Is there much
retail shopping business on Fifth Avenue below
Twenty-third Street? A. I don't know. Q. You
do not go on that avenue much? A. No; I don't
think there is a great deal of retail trade below
there. Q. You do not go up and down there very
often, I suppose? A. Not very often; no. Q. How
did you come down town to-day—in an omnibus?
A. No, I came down in a wagon; I don't like riding 3862
in stages. Q. How much is Mr. Sharp going to pay
you for your line of stages? A. How much? Q.
Yes. A. I don't know as he will pay me anything;
I have not any grievance with Mr. Sharp. Q. You
have what? A. I have no grievance with Mr. Sharp
at all. Q. No grievance? A. No, sir. Q. I asked
you if you had any agreement with him? A. You
ask me what he is going to pay me? Q. Yes. A.
I don't think he will pay me anything.

Q. Are you going to take some of the stock in this
railroad? A. No, sir. Q. You say that your last
trip down is at seven o'clock; did you not go down
later than that formerly? A. Yes; we used to run
seven trips, and then we went down later. Q. What
do you mean by seven trips; I do not get the idea?
A. We run six trips now, and we used to run seven.
Q. Each man makes six trips? A. Yes, sir, each
man makes six trips now, but each man used to

- 3863 make seven ; then we used to go down later at night. Q. Each stage makes six trips now, and it used to make seven? A. Yes, sir. Q. When each stage made seven trips, how late did you used to run? A. The last stage used to leave at the upper end at ten o'clock. Q. And how late down at this end? A. At 11 o'clock. Q. Did you begin at the same time in the morning? A. Yes, sir. Q. You never have run stages before seven o'clock? A. No, sir. Q. Do the other stages make six or seven trips? A. They make six trips now. Q. Both? A. Now they are running six trips. Q. How long have you been running only six trips? A. About one year. Q. Do you mean that none of the stages are now running omnibuses after eight o'clock? A. That I don't know. Q. You do not know that, but you know
- 3864 that you do not? A. Mine do not; nine o'clock I think our last stage gets in. Q. At this minute how many of your stages are probably on the route, say, now, at two o'clock? A. About 60; all but 10. Q. At any one time there are about 60 of your stages on the route in the busy times of the day? A. All times of the day; we never have more than four or five on each end. Q. But at no time of the day are there more than 50 or 60 stages on the route? A. That is all. Q. And that is so with the other lines? A. That is so; yes, sir. Q. 60 is about the average number that are on the route? A. Yes, sir. Q. Of that 60, how many are on the route below Fourteenth Street? A. I should think about 30 of them. Q. About half of them? A. About half of them. Q. And so with the Fifth Avenue line, about half? A. Yes, I should think so. Q. And the Twenty-third Street line also? A. I should think about half. Q. Therefore now on Broadway between Fourteenth Street and the Wall Street Ferry, and between Fourteenth Street and the Fulton Street Ferry, and between Fourteenth Street and the South Ferry, there are about 30 stages of each line on the route? A. Yes, sir. Q. That makes about 90 in all? A. 90 in all. Q. That is the only amount that is on Broadway at any time, or has been for years between Fourteenth Street and the ferries? Q. Yes, sir, I should think so. Q. At any one time? A. That is the full amount. Q. The full amount would not be any more than that? A. No. Q. And part of those are going up town, and part going down town? A. Part going up and part going down; yes, sir.

By Mr. Scribner :

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Q. Were you subpoenaed on behalf of the city to come here a few days ago to testify respecting the earnings of your road? A. Yes, sir. Q. Did you compile for Mr. Wickes these same figures that you gave to me? A. Yes, sir.

Q. Did you show them to Mr. Wicks? A. Yes, sir. Q. The Assistant Corporation Counsel? A. Yes, sir. Q. After you showed them to him did he want you here as a witness any more? A. No. Q. You have stated that your stages do not run after seven or eight o'clock in the evening; is there any considerable travel on Broadway in the evening? A. Very little. Q. Do your stages run Sundays? A. No, sir. Q. Is there any considerable travel on Broadway on Sundays? A. No, I don't think there is. Q. Do your stages run on public holidays? A. No, sir; they run yesterday, but I wish I had left them in the stable; they didn't earn anything. Q. Broadway is a district in which on nights and Sundays and holidays public conveyances are not patronized very much, is it? A. No. Q. You have told Mr. Beaman that there was a time, which you thought was about the year 1879, when the fares of the stages were reduced from ten to five cents; do you remember whether that reduction was in consequence of the inauguration of the elevated railroad system that was carrying off your passengers? A. Yes, sir. Q. Notwithstanding the reduction from ten cents to five cents you took in at the reduced rate just as much money as you had previously taken in at ten cents, did you not? A. Yes, sir; we did. Q. Then, as a matter of course, you carried double the number of passengers? A. Yes, sir. Q. You carried double the number of passengers the first year at five cents that you had carried in the previous years at ten cents? A. Yes, sir. Q. A stage carries how many passengers, seated, did you say? A. It seats twelve passengers. Q. A car carries about double that number on its seats, does it not? A. A car seats twenty-two. Q. With unlimited capacity for standing room? A. Yes, sir. Q. In your opinion, would street-cars on Broadway accommodate a greater number of people than are now accommodated by stages? A. Yes, sir; I think they would. I think that a less number of cars would accommodate them. Q. A less number of cars would accom-

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3869 modate more people than are now accommodated by the number of stages in operation? A. Yes, sir, Q. In your opinion would there be any difficulty in operating a street car on Broadway?

Mr. Beaman: I object to the evidence as incompetent, as not in rebuttal and as cumulative, and I ask that the same objection may be considered as made to all the testimony of this witness.

Objection overruled; exception taken by Mr. Beaman.

A. I don't think there would; I think they could operate a car line on Broadway easier than they could on West Street and Greenwich Street.

Q. Car lines are operated on Greenwich Street and West Street with success? A. Yes, sir. Q. You have spoken of Madison Avenue and the
3870 effect on Madison Avenue, which would result from the withdrawal of the stages on that route; does, in your opinion, the Vanderbilt Madison Avenue line of cars afford the Madison Avenue people all the accommodation they need up there? A. I think so. Q. You say that the reduction on the Vanderbilt Madison Avenue line of cars of the fare from six cents to five cents has been the greatest blow that your stage line has received? A. Yes, sir.

Q. You say that the Madison Avenue people, or the inhabitants of that district much prefer the street-car at five cents to a stage at the same price? A. Yes, sir. Q. The result demonstrates that, does it? A. Yes, sir; that was the result with me; I know it was the worst thing that ever I had to strike me
3871 was that one cent. Q. That was very unkind of Mr. Vanderbilt, you think? A. I heard him say himself—he says that there are people that will walk three or four blocks to save that cent. Q. You said the time was about forty-five minutes from one end of your route to the other? A. That is our limit of time. Q. Do your stages make that time with some regularity? A. Yes, sir. Q. They are pretty nearly on time, usually? A. Generally on time, yes, sir. Q. They could not do that if Broadway was blockaded or obstructed very much, could they? A. No, they could not. Q. From your long experience in the stage business, are you able to tell the Commissioners what is the present condition of Broadway in respect to blockades and obstructions, as compared with the same street of twenty years ago? A. There is

not half as many blockades now as there was twenty 3872
 years ago ; we don't have a blockade now only when
 it is a very busy time in the Fall or Spring of the
 year ; dry goods houses, truckmen and all that, get
 in Broadway then ; may be once in a week we have
 a blockade ; but it doesn't last but a little while,
 and the police will clear it in about a half an hour ;
 I have seen our stages stand there 18 or 20 years ago
 for two hours in Broadway, and they could not move ;
 could not get up or down, or anywhere else ; could
 not get around the corner. Q. Will you explain to
 the Commissioners what has caused the change now
 existing, notwithstanding the fact that vehicles are
 said to have multiplied and the population increased
 largely. A. The stages have been pulled off of Broad-
 way a good deal. Q. Twenty years ago, what other
 lines were running besides those that are running 3873
 now ? A. On Broadway ? Q. Yes. A. There was
 the Eighth Street line—Ivins' line, as they called it ;
 and the Fourth Avenue line ; I think that was all ;
 I think there was but those two lines more. Q.
 Where was the Knickerbocker line ? A. That was
 pulled off more than twenty years ago ; that was
 pulled off when the Broadway and Seventh Avenue
 road commenced. Q. When that road commenced
 running, about the year 1864, there were several lines
 of stages that disappeared ? A. Yes, sir. Q. What
 lines were those ? A. The Broadway line, the Sev-
 enth Avenue line, that run to Fulton Ferry ; there
 was the Knickerbocker line ; there was O'Keefe &
 Duryea's line, that run up Eighth Avenue to Fiftieth
 Street ; and the Yellow line, that run from Four-
 teenth Street to Hudson and up Broadway. Q. That 3874
 was called the Yellow Bird line, was is not ? A.
 Called the Yellow Bird line.

Q. The Amity Street line ; to what company did
 that belong ? A. That belonged to Marshall &
 Townsend ; that was bought out by the Consolidated
 Company ; that was the Seventh Avenue and Fulton
 Ferry line—Amity Street. Q. When the Broad-
 way and Seventh Avenue cars commenced running
 the Consolidated Stage Company stopped running,
 did it not ? A. Yes, sir. Q. The Consolidated
 Stage Company embraced a great number of stage
 lines, did it not ? A. Yes, sir. Q. What was the
 effect of the withdrawal of those stages on the crowd
 in Broadway ? A. There was not nearly such a
 crowd ; there was not half. Q. And notwithstand-

3875 ing the multiplication of other vehicles since those crowds and blockades that existed have ceased? A. Yes, sir; they have diminished all the while. Q. Do street-cars ordinarily make a little better time than stages? A. Yes, sir. Q. In speaking of the expenses of operating public lines in New York, do you sometimes have to pay damages for accidents? A. Yes, sir.

Commissioner Harris: How much more have you? Mr. Vance has an engagement, and will have to go.

Mr. Scribner: It is very short, indeed. I have one witness, that will be very short.

Commissioner Vance: I am late now. On Saturday I stated that I would have to leave at two 3876 o'clock, and it is now a quarter past two.

Mr. Scribner: Then I will have to finish Mr. Wilkins, and let the other gentleman go for to-day.

Q. Do you run as many stages on your line as you think will pay? A. Yes, sir. Q. Have you always done that? A. Yes, sir. Q. Have all the stage men acted on that principle? A. Yes, sir. Q. Was it in consequence of the elevated road—the withdrawal of your passengers by that road—that you reduced your fare from ten cents to five cents? A. They took a great many of our passengers away, and we saw that we would have to do something to fetch them back, and we put the fare down to five cents, which did bring them back. Q. Is there any doubt 3877 in your mind at all that the construction and operation of a horse road on Broadway, between Fourteenth Street and the Battery, would tend very much to the public accommodation and convenience? A. I think it would.

Mr. Beaman: I move to strike out this last part.

Mr. Scribner: I think Mr. Wilkins had better come here the next day with those figures. I will want to examine him about those and other matters. When do we adjourn?

Commissioner Harris: Half-past ten to-morrow morning.

Mr. Beaman: I would like to have you bring those figures at half-past ten to-morrow.

The Witness: You are done with me to-day! I will do so.

Adjourned to 10.30 A. M., February 25, 1885.

FEBRUARY 25, 1855. 3878

WILLIAM H. WILKINS, recalled, testified as follows :

By Mr. Scribner :

Q. Mr. Wilkins, are you now able to say what was the precise date when the stage fares were reduced from ten cents to five cents? A. The 30th of January, 1879; our books show that. Q. Do you happen to remember how long the elevated roads had then been in operation as far as Forty-second Steet? A. Well, I think they had been in operation then about six months. Q. And your stages were then beginning to feel the effects of the elevated railroad competition? A. Yes, sir. Q. Were the stage fares on all the lines reduced at the same time? A. Yes, sir. Q. That is your line and the two others then running? A. Yes, sir. Q. By mutual arrangement between you? A. Yes, sir. Q. I didn't ask you yesterday whether your stage lines pay any percentage of their gross receipts to the city? A. No, sir. Q. What do you pay, license fees? A. Pay license fees. Q. On 70 stages? A. On 70 stages. Q. How much do you pay? A. \$20 a stage. Q. That is \$1,400 per line? A. Yes, sir. Q. Each line? A. Yes, sir. Q. You do no paving, do you? A. No, sir. Q. And are at no expense for repairing streets in any manner? A. No, sir. Q. And the \$1,400 a year, or \$20 a stage, constitutes all the city makes out of the stage lines? A. Yes, sir. Q. Other than the public accommodation? A. Yes, sir. 3879 3880

By Mr. Beeman :

Q. Are the stage companies acting under a charter? A. We have a charter from the State, I think.

Q. Any other right from the city government? A. No, sir; the Mayor grants us a license every year.

Q. Revocable at pleasure, is it? A. Yes, sir. Q. And at any time he can revoke it or give it to somebody else? A. No, sir; I don't think he has a right to revoke it and give it to somebody else; I don't think he has that right. Q. You are a partnership, as I understand it. A. Yes, sir. Q. Are the other stage companies organized as partnerships or companies? A. Partnerships. Q. And they have no exclusive rights, as you understand it? A. I don't know as they have any exclusive

3881 rights. Q. If I wanted to run a stage line to-day right in competition with yours I could do it, couldn't I? A. No, sir. Q. Why not? A. Well, I will tell you why not; the law says that you shall, to run a stage line, get a majority of the owners of the property on the line, and then the Mayor recommends it to the Board of Aldermen, and they pass it or reject it, whichever they like; and then it has got to be put up at auction and sold to the highest bidder; that is the way you can get a stage line, and no other way; you will find that in the amendment to the Constitution. Q. That is your idea of your rights and the public rights in regard to stages, that we need not have them if we don't want them? A. Need not to have the stages unless you don't want

3882 them. Q. No, if we don't want them? A. Well, I don't know. Q. And you get a license each year, as you understand it? A. Yes; our license is payable on the 1st of July—the first week in July. Q. You have not got with you a statement of the entire earnings for the years from 1870 to 1879? A. No, sir; I have not. Q. You will furnish that, now that you understand more directly what I want? A. Yes, sir.

Mr. Scribner : That is, you will furnish it to Mr. Beaman?

The Witness : Yes, sir.

Q. And you will also furnish a statement of some of the daily receipts—three days together? A. Yes, sir. Q. You will furnish those, showing the amounts

3883 of the several stages—of the amounts of the different trips—as soon as you can? A. Yes, sir.

Q. You said yesterday that you thought that half of your passengers, as I understood you—half of the money you got, you got above Fourteenth Street? A. Yes, sir; above Fourteenth Street; I think so. Q. What do you mean by that; do you mean that half of your passengers get in above Fourteenth Street? A. That half of our receipts come from there. Q. Just let us understand it; do you mean that half of your receipts are received from people who get in between Forty-second Street and Fourteenth Street and get out between those two points; people who never come below Fourteenth Street at all? A. No; I don't say that. Q. What do you mean; just state what you mean? A. I mean to say that we collect as many fares above Fourteenth Street as we do below; we collect our

fares when the passengers get in the stage. Q. 3884
 Then you mean by that that you claim that as many people get in above Fourteenth as get in below Fourteenth Street? A. Yes, sir. Q. But of course the people getting in above Fourteenth Street may not get out until they get to Chambers Street; you don't mean by that that a good many of the people who get in above Fourteenth Street don't come down below Fourteenth Street? A. No, I don't mean that; I mean that people get in—we carry some people from Forty-second Street to Chambers Street and to Canal Street, and along down Broadway; those people pay their fare above Fourteenth Street; but it would be impossible for me to say how many get in and how many get out; it is merely a surmise of what I think—but I think on the best of my belief and knowledge that we carry and take in as many fares above Fourteenth Street as we do below. Q. From that all, as I understand it, you mean that as many people get in the omnibuses above Fourteenth Street as get in below? A. Yes, sir. Q. Taking both ways—travelling both ways? A. Yes, sir. Q. And if we could take account of where people get in, we would find that as many get in above Fourteenth Street as below; that is your best judgment about it? A. Yes, sir. 3885

By Mr. Scribner :

Q. Mr. Wilkins, I think you stated yesterday that many of your passengers above Fourteenth Street were ladies. A. They are; yes, sir. Q. 3886
 And ladies apparently on shopping expeditions. A. Yes, sir.

Q. And those ladies I think you stated yesterday usually get out before they reach Fourteenth Street or about Fourteenth Street, because that was the southern limit of what you regarded as the shopping district. A. Yes, sir; there are a great many ladies that come down in the cars that get in our stages and ride down to Twenty-third and Twenty-second Streets and along down there; they get out there; those we call the shopping passengers; they go down to the stores to do their shopping. Q. Mr. Wilkins, Mr. Beaman asked you yesterday to furnish some information respecting the receipts of several stages on different trips, and you have produced a schedule which seems not to be acceptable to Mr. Beaman; won't you please, for my informa-

tion and the Commissioners', explain the schedule that you have brought? A. In 1879, April 10, stage No. 65—we were then running seven trips—turned in on five trips \$11.40, and on two trips—the balance of the day's work—\$1.60, making \$13. Q. For the whole day? A. Yes, sir; for the whole day; on September 15, No. 61, that is the stage, turned in \$9.85 on five trips and \$2.30 on two trips—making the seven trips—the total being \$12.15. Q. What year was that? A. 1879; September 23d, No. 61, same stage, turned in \$10.30.

Commissioner Harris: The same year, 1879?

The Witness: Yes, sir; turned in \$10.30 on five trips and \$2.05 on two trips, making \$12.35; then in 1880, September 13th, No. 20, he turned in \$11.85 in five trips, and he turned in \$4.15 on two trips, making \$16; on October 26th, No. 46 stage—stage No. 46—he turned in on five trips \$10.70, and on two trips \$2.15, making \$12.85; November 1st, 1880, No. 52 turned in \$10.90 on five trips, and \$2.30 on two trips, making \$13.20; April 11th, 1881, No. 35, turned in on five trips \$11.24, and on two trips \$2.26, making \$13.50; March 28th, No. 20 turned in on five trips \$10.55, and on two trips \$2.35, making \$12.90; October 10, No. 10 turned in on five trips \$11.15, and on two trips \$1.85, making \$13; October 10th, same date, No. 42 turned in on five trips \$10.20, and on two trips \$2.90, making \$13.10; on May 9th, 1882, No. 34 turned in on five trips \$12.05, and on two trips \$1.80, making \$13.85; October 2d, 3889 No. 1 turned in on five trips \$11.35, and on two trips \$1.10, making \$12.45; October 2d, same date, No. 68 turned in on five trips \$11.20, and on two trips \$2.30, making \$13.50; that is all I have here.

Q. In giving the aggregate result of the five trips in these several years, was it your practice at that time to open the boxes at the end of the five trips? A. When we come to change on the five trips we take out the money—all the money that is in the boxes. Q. In these years you were running seven trips and opening the boxes twice a day? A. Yes, Q. Once at the end of five trips? A. Yes. Q. And then again at the end of the day's work? A. Yes. Q. So that the first count would show five trips and the second count two trips? A. Yes, sir. Q. In taking these stages, did you take these figures off yourself or get them from your bookkeeper. A. I

got them from the bookkeeper. Q. Was he told to 3890
 get the best stages you had—the fullest stages—to
 make the best showing he could for the day's work ?
 A. Pretty good showing ; I didn't want to put in the
 poorest day's work. Q. As to this information
 that you have been asked to get for Mr. Beaman,
 that is your receipts from 1870 to 1879—those re-
 ceipts will show your earnings at ten cents fare in-
 stead of five cents ? A. Yes, sir. Q. And they will
 show your earnings not only at ten cents fare, but when
 you had no competition from the elevated roads ?
 A. Yes, sir. Q. Consequently those receipts are
 larger, are they not, from 1870 to 1879 ? A. Oh, I
 think they are ; yes, sir. Q. And the statistics—the
 figures you showed us yesterday show a gradual
 falling off from your stage receipts from the year 3891
 1881 down to the present time ? A. Yes, sir. Q.
 Steady decrease all the time ? A. Yes, every year.
 Q. Amounting in the last year to a difference of
 nearly \$50,000 between the year 1884 and the year
 1881 ? A. Yes, sir ; about \$50,000.

WILLIAM F. McCONNELL, recalled, testified as
 follows :

By Mr. Everts :

Q. Mr. McConnell, have you made measurements
 of the ordinary street railroad horse-car used in the
 City of New York ? A. Yes, sir. Q. Will you give
 the measurements ? A. Outside of the pulls, as 3892
 they are termed—that is the hook on which the
 whiffletree hangs—it is twenty-four feet ; that is
 from the end of the hook to the other end, and I
 might say that the man who showed me this hook
 was the superintendent of Stevenson's factory ; then
 the inside of the platform, from the inside of the
 front to the inside of the rear, is twenty-two feet
 eleven inches ; the body of the car is sixteen feet in
 length ; the fenders, as they are termed—that is the
 board that runs above the windows—is seven feet
 ten inches. The body fender, I have it, which is the
 board that runs along the body of the car, is seven
 feet seven and one-half inches ; and I then asked the
 superintendent of the establishment how far the
 body of the car overhung the rail and he figured it,
 taking the car that I measured, that it was one foot
 three and one-half inches. Q. On each side ? A.
 Yes, sir ; on each side.

3893 *By Mr. Scribner:*

Q. Below the fender the car is concave, is it not?

A. Yes, sir; that is below the body fender. Q.

What other fender do you speak of? A. What they call the fender is the board that runs along the top of the window just about, you know, where the sign is up above the window; there is a little board coming out which they call the fender. Q. What is the measurement up there? A. 7 feet 10 inches. Q. In

width? A. Yes, sir. Q. Do you mean it is wider up there than down below? A. Yes; widest part of the car. Q. That is about ten feet high, isn't it?

A. I don't know the height. Q. It is way up at the top of the car? A. Well, just above the window. Q.

And what you call the body fender is that which

3894 runs underneath the windows? A. Yes, sir. Q. For the protection of the side of the car against collision with vehicles? A. Yes, sir. Q. And the car from

that point down to its lower extreme concaves? A.

Yes, just a little below that.

Q. So that at the bottom it is less in width than anywhere else? A. Yes, sir. Q. And the point at

which the hub of a stage or truck or vehicle of that kind would collide with the car at that point, the car

is narrower than it is above that point? A. Well, that I cannot say. Q. In other words, the hub of a

wheel will project into that cove that is formed there? A. The forward wheel might but the hind

wheel would not; the hub of the hind wheel is almost as high as that fender, if not as high. Q.

3895 From that fender the width of the car lessens? A. Oh, yes, sir. Q. These hooks that you speak of are

simply the hooks to which the whiffletrees are attached? A. Yes, sir; they call them the "pulls."

Q. It is outside of the car platform? A. Yes, sir; and this car that I measured had a projection rail,

I think they call it that, extended beyond the "pulls." Q. Where was this car that you measured?

A. Standing in Stevenson's factory, just finished, ready for the track? Q. It was not a car on the Broadway and Seventh Avenue Railroad?

A. It was an ordinary city car as used on the Second Avenue road; they proposed to put that on the

Astor Place Branch.

Mr. Beaman then stated that he appeared as counsel for the heirs of Ezekiel J. M. Hale, deceased, owners of Nos. 305, 307 and 309, and of Nos. 345 and 347 Broadway, offered to prove on behalf of the said heirs of Ezekiel J. M. Hale, as follows :

That George W. T. Lord, one of the Commissioners herein, is a member of the firm of Lord & Taylor, which firm is engaged in carrying on a large retail dry-goods business in the City of New York, and for that purpose occupies, under a lease which has still several years to run, extensive premises on the southwest corner of Broadway and Twentieth Street, such premises extending over one hundred feet on each street ; and that Samuel Lord, the father of said George W. T. Lord, is the owner of four lots of land, situated on the northwest corner of Broadway and Grand Street, in the City of New York, being Nos. 461, 463, 465 and 467, respectively, which lots are designated on a map of the Eighth Ward, filed in the office of the Tax Commissioners by the ward Nos. 103, 104, 105 and 106, and are of the assessed value of \$325,000, on which lots is a large building formerly occupied by the said firm of Lord & Taylor, and that said Samuel Lord is now over seventy years old, and is and has for some time been absent in Europe, and that during such absence his interests in said property at the corner of Broadway and Grand Street have been generally managed by the firm of Lord & Taylor, and particularly by the said George W. T. Lord and his brother Samuel Lord, Jr., also a member of the said firm of Lord & Taylor, and that neither the members of said firm of Lord & Taylor has a power of attorney to lease, let or sublet any of the property belonging to said Samuel Lord, and that all of said premises on the corner of Grand Street and Broadway, except the lower floor and basement, have become vacant since the first of February last, and are now for rent ; and that Samuel B. H. Vance, another of the Commissioners herein, is a trustee and a large stockholder in the corporation organized under the name of Mitchell, Vance & Co., a certificate of which incorporation was filed in the office of the Clerk of the City and County of New York, on the 3d day of May, 1873 ; that said corporation has a capital stock of \$1,200,000, divided into 12,000 shares of \$100 each ; that such corporation was formed for the purpose of carrying on the busi-

3899 ness of manufacturing and selling gas fixtures and similar articles, which business had formerly been carried on by the firm of Mitchell, Vance & Co., to which firm the said corporation of Mitchell, Vance & Co. is the successor, and that the said corporation of Mitchell, Vance & Co. does a large wholesale and retail business in such articles, and for that purpose occupies extensive premises at Nos. 836 and 838 Broadway, near the corner of Thirteenth Street, such premises consisting of a six-story building, extending partly through the block towards Fourth Avenue, and with an ell or projection fronting on Thirteenth Street, and that such premises are occupied by said corporation in part as salerooms and in part as
 3990 warerooms, under a lease with the owners of the premises, which lease has yet several years to run ; that the stockholders in said corporation of Mitchell, Vance & Co. are, with few exceptions, the persons who were the partners in the late firm of Mitchell, Vance & Co., or their heirs or legal representatives, and that said Commissioner, Samuel B. H. Vance, is the owner of more than one-tenth of all the capital stock of said corporation.

The Commissioners overruled such offer of proof, to which ruling said counsel duly excepted on behalf of said heirs of Ezekiel J. M. Hale, deceased.

Testimony closed.

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Adjourned for summing up.

MAY 6 - 1943



